
(2008) 04 RAJ CK 0063
In the Rajasthan High Court

Kishori Vijay

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 03-04-2008

Acts Referred:

Citation : (2008) 04 RAJ CK 0063

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narendra Kumar Jain, J.—Heard learned Counsel for the parties.

2. The petitioner was holding a license for retail sale of kerosene-oil under the provisions of the Rajasthan Trade Article (License and Control) Rules, 1980 (for short, "the Rules of 1980") for village Raini, Tehsil Rajgarh, District Alwar. The petitioner wanted the license for sale of kerosene-oil under the Rules of 1980 to be issued in his name for any of Ward in Rajgarh, therefore, he voluntarily surrendered his license and applied for license for any of the Ward in Rajgarh. However, the request of the petitioner was turned down vide order dated 30th August, 2003 (Annexure-6), which is under challenge in this writ petition.

3. The learned Counsel for the petitioner submits that the petitioner was already holding a license and he voluntarily surrendered the same under the impression that he will be given a fresh license for any of the ward in Rajgarh but his request has been turned down and, so far as license for village Raini is concerned, he has already surrendered the same, therefore, the impugned order dated 30th August, 2003 passed by the District Supply Officer, Alwar, may be set-aside and he may be directed to reconsider the case of the petitioner afresh for issuing license for Rajgarh.

4. The learned Additional Government Counsel, appearing on behalf of the respondents, contended that it was the petitioner who himself surrendered the license which was issued to him for the village Raini and his request for issue of

fresh license for Rajgarh was declined on the basis of direction of Food and Civil Supply Department, Government of Rajasthan, Jaipur. However, a liberty was given to him to have a license for village Raini, Tehsil Rajgarh, District Alwar. It is further contended that there is no legal right of the petitioner which is said to have been violated in the present case, therefore, the present writ petition deserves to be dismissed.

5. I have considered the submissions of learned Counsel for the parties and examined the impugned order dated 30th August, 2003 and other documents annexed with the writ petition.

6. It is correct that the petitioner was a license-holder for retail sale of kerosene oil under the provisions of the Rules of 1980 for village Raini, Tehsil Rajgarh, District Alwar. On 28th of November, 2002, the Government issued an order that license-holder, who have been authorized to distribute kerosene-oil for Rajgarh, may now be issued authorization letter for fair-price shops. In pursuance of the order dated 28th November, 2002 issued by the State Government, the District Supply Officer issued a letter on 30th November, 2002 to the Sub Divisional Officer, Rajgarh, directing him to instruct the license- holders, who want to get authorization letters to supply kerosene oil, to surrender their trade license and consequently the petitioner surrendered his license on 4th December, 2002 and applied for authorization letter of fair-price shop for Rajgarh. Although, the petitioner has no legal right to have the license for a particular place and I do not find any illegality in the order dated 30th August, 2003 (Annexure-6), but I think that ends of justice will meet in case a direction is issued to the District Supply Officer, Alwar, to the effect that in case there is any ward in Rajgarh (Alwar), for which no authorization letter has been issued and the petitioner applies for the same within a period of one month from today then his representation may be considered sympathetically without being influenced with the order dated 30th August, 2003 (Annexure-6), within a period of three months thereafter.

7. Consequently, there is no merit in this writ petition and the same is accordingly dismissed. However, it is directed that in case there is any ward in Rajgarh for which no authorization letter for fair-price shop has been issued and the petitioner applies for the same within a period of one month from today by way of representation then the District Supply Officer, Alwar will consider his representation sympathetically and will pass necessary order within a period of three months thereafter.