

(2018) 03 J&K CK 0044
In the Jammu And Kashmir High Court
Case No : OWP No.1023 OF 2017

MAKHAN SINGH

APPELLANT

Vs

STATE OF JAMMU & KASHMIR & OTHERS

RESPONDENT

Date of Decision : 05-03-2018

Acts Referred:

Citation : (2018) 03 J&K CK 0044

Hon'ble Judges : ALOK ARADHE

Bench : Single Bench

Final Decision : Dismissed

Judgement

Heard in the main petition on the question of admission.Â

2) In this petition, the petitioner, inter alia, seeks writ of prohibition restraining the respondents from replacing the petitioner or taking away the ration

tickets from the area of the petitioner and granting a fair price shop dealership to any other person arbitrarily.Â Â The petitioner also seeks writ of

mandamus commanding the respondents to permit the petitioner to work as a ration dealer/fair price shop dealer smoothly without causing any

hindrance and taking away the rationees from the area of the petitioner.Â

3) The facts giving rise to the filing of the present writ petition briefly stated are that the petitioner was appointed as a fair price shop dealer by the

Department of Consumer Affairs and Public Distribution (CAPD) for the area of Village Bhagdar in Tehsil and District Reasi.Â The petitioner is

aggrieved of the action of the respondent Nos.1 to 3 for appointing a new dealer in the area of the petitioner.Â Â The respondents are trying to open

a fair price shop and to reduce the ration tickets attached to the fair price shop of the petitioner. In the aforesaid factual background, the petitioner has

approached this Court.

4) When the matter was taken up today, learned counsel for the petitioner submitted that the action of the respondents in opening new fair price shop

is patently arbitrary and is unfair.Â On the other hand, learned senior Additional Advocate General while inviting the attention of this Court to the

objections filed on behalf of the respondents has submitted that as per the policy regarding opening of fair price shops, the rationees should have fair

price shops/Government Sale Depots within the radius of 1.5 to 2 km. from their residence and a fair price shop to be opened for every 200-250 RTs

in the plane areas while, however, in hilly/inaccessive areas fair price shops have been opened even for lesser number of families.Â Â It is further

submitted that the petitioner's fair price shop at Bagdhar had 600 RTs attached to it as such two more fair price shops were recommended with

200 RTs attached to each at Sari and Ratnote, at a distance of 5 Kms. each from the existing fair price shop of the petitioner and the area in which

fair price shop of the petitioner is located is a hilly area and the rationees had to travel long distances to receive their quota of ration and are

continuously demanding opening of new fair price shops in their vicinity.Â This has been done with one of the objectives of the Targeted Public

Distribution System, more particularly, in terms of Section 9(6) of the Targeted Public Distribution System (Control Order 2015).Â Â

5) I have considered the submissions made by the learned counsel for the parties and have perused the record.Â From the averments made in the

objections which have not been controverted by the petitioner, it is evident that the petitioner's shop is situated in a hilly area and the rationees had

to travel long distances to receive their quota of ration and they are continuously demanding opening of new fair price shops in their vicinity, therefore,

the decision has been taken in accordance with the policy for opening of two fair price shops at a distance of 5 Kms. each from the existing fair price

shop of the petitioner.Â Therefore, the petitioner cannot have any grievance.Â Â The decision has been taken in accordance with the policy and

with a view to ensure easy availability of the ration to the public in general, who are residents of hilly areas.Â The right to run a fair price shop is a

privilege and cannot be termed as a legal right.Â The decision of the respondents to open new fair price shops at a distance of 5 Kms. to the existing

shop of the petitioner, by no stretch of imagination, can be said to be arbitrary and unfair.Â

In view of the preceding analysis, I do not find any merit in the petition.Â In the result, the petition is dismissed accordingly, along with connected

MP.