
(2010) 11 SHI CK 0193
In the High Court Of Himachal Pradesh
Case No : CWP No. 490 of 2007

Rajinder Singh Rana

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 23-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0193

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—The Petitioner by means of this petition has challenged the allotment of the fair price shop at village Kathon in favour of Shri Sansar Chand and has prayed that this shop should have been allotted to him.

2. According to the Petitioner the fair price shop allotted to Shri Sansar Chand at village Kathon is actually meant for sub-depot Barh in Dagoh and has been allotted to Shri Sansar Chand at village Kathon. In an earlier petition filed by the present Petitioner the Petitioner was directed to file a representation and the Respondent No. 4, i.e. the Controller, District Food Civil Supply and Consumer Affairs, Dharamshala, was directed to decide the representation after hearing both the parties. The Controller has passed a detailed order on 23.09.2006 wherein he for various reasons given in the said order found that the allotment of the fair price shop in favour of Sansar Chand at Kathon is in accordance with the provisions of law, rules and instructions. However, in this very order the said officer has made the following observations:

The application of Shri Rajinder Singh Rana for the sanction of Fair Price Shop in his favour can now be considered while taking decision to restore the supplies of essential commodities to Sub Depot Bar of the Cooperative Society, Dagoh provided a clear recommendation of the Assistant Registrar Cooperative Society, Palampur and the Gram Panchayat, Bar, indicating the name of village where Fair Price Shop is proposed to be located is submitted by him at the earliest possible.

3. A perusal of these observations clearly show that the Respondent No. 4 came to the 3 conclusion that the application of the Petitioner for sanction of fair price shop at sub-depot Barh Cooperative Society, Dagoh could be considered if such proposal is submitted by him. This order was passed on 23.09.2006. Thereafter on 10.11.2006 the Gram Panchayat Dagoh passed a fresh resolution and sent it to the concerned authority. It is obvious that Panchayat wants that a new fair price shop be located in Barh Panchayat area in lower Dagoh.

4. In view of the findings of the ControllerRespondent No. 4. and in view of the resolution of the Panchayat, this petition is disposed of with a direction to Respondent No. 4 to take appropriate decision in the matter by considering the application of applicant Shri Rajinder Singh Rana for grant of fair price shop in Barh Panchayat in lower Dagoh. The decision shall be taken within four weeks from the receipt of this order. No costs.