

Dilshad Ahmad vs State Of U.P. And 4 Others on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68352

Court No. - 33

Case :- WRIT - C No. - 13406 of 2025

Petitioner :- Dilshad Ahmad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Manoj Kumar

Counsel for Respondent :- Azad Rai,C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Manoj Kumar, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Azad Rai, learned counsel for the respondent Gaon Sabha.
2. A writ of mandamus has been prayed for commanding the respondent no.4, i.e. Sub-Divisional Magistrate concerned to cancel the proposal for establishment of fair price shop in the locality.
3. Submission is that earlier a proposal was set into motion, however, meetings for consideration of the same were postponed on 04.04.2025 and 16.04.2025 by the Village Panchayat concerned. It is further urged that now 05.05.2025 is the date fixed for consideration of the proposal and in view of the Government Order dated 05.08.2019, the respondents are not justified in considering the proposal.
4. Per contra, learned Standing Counsel as well as Shri Azad Rai submit that the allotment of fair price shop as well as opening of any new fair price shop is dependent upon various conditions and stipulations, particularly the number of units depending upon the village population. It is further

urged that in the year 2011 village population was more than 11,000 and now, after a period of 14 years, the population has further increased and, hence, the respondents have rightly thought for establishing an additional fair price shop and the action undertaken is strictly in consonance with the provisions of Government Order concerned.

5. Having heard learned counsel for the parties, this Court is of the considered opinion that fair price shop is a significant phenomenon in terms of Essential Commodities Act, 1955 as well as various control orders issued from time to time and village panchayat/ gaon sabha has been assigned specific role and it is the Sub-Divisional Officer who is under statutory obligation to consider the proposal.

6. Once the respondents have proceeded to consider the establishment of new fair price shop, certainly it cannot be presumed that they are acting contrary to the stipulations made either in the control order or Government Order(s).

7. The writ petition is thoroughly misconceived and, in fact, premature and, even otherwise, the Court does not find any merit in the petition. The same is, accordingly, dismissed.

Order Date :- 1.5.2025 AKShukla/-