

# Babu John vs State Of Kerala on 10 August, 2022

**Author: V.G.Arun**

**Bench: V.G.Arun**

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN  
WEDNESDAY, THE 10TH DAY OF AUGUST 2022 / 19TH SRAVANA, 1944  
WP(C) NO. 25540 OF 2022

PETITIONER/S:

BABU JOHN  
AGED 57 YEARS  
S/O. V.M.JOHN, VAZHIPLACKAL HOUSE, NEDUMKUNNAM P.O.,  
KOTTAYAM DISTRICT-686 542  
BY ADVS.  
SANIL JOSE  
K.P.ANTONY BINU

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY, FOOD AND CIVIL SUPPLIES  
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001
- 2 THE DISTRICT COLLECTOR,  
COLLECTORATE, KOTTAYAM-686 002
- 3 DISTRICT SUPPLY OFFICER,  
DISTRICT SUPPLY OFFICE, CIVIL STATION, COLLECTORATE  
P.O., KOTTAYAM-686 002
- 4 TALUK SUPPLY OFFICER,  
TALUK SUPPLY OFFICE, REVENUE TOWER, CHANGANACHERRY-686  
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THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
10.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:  
WP(C) NO. 25540 OF 2022

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## JUDGMENT

Dated this the 10th day of August, 2022 The petitioner, an authorised retail dealer, is conducting ARD No.127 in Ward No.5 in Nedumkunnamm Grama Panchayat in Changanacherry Taluk. According to the petitioner, he has been conducting the shop for the past 34 years. The third respondent has now issued a notification for granting licence for conducting a fair price shop in Ward No.3 in Nedukunnamm Grama Panchayat. The petitioner apprehends that, establishment of a new fair price shop in a nearby location will result reduction of his business.

2. Learned Counsel for the petitioner contends that, while granting licence to the new shop, the third respondent is bound to take into account all factors like, distance between the proposed shops and existing shops, the number of customers attached to the existing shop etc. It is hence prayed that the third respondent may be directed to reconsider its decision based on the points highlighted in Ext.P4 representation. WP(C) NO. 25540 OF 2022

3. I heard the learned Government Pleader also, who submitted that the decision to grant licence for new fair price shops is a policy decision taken by the Government in public interest and therefore, warrants no interference.

Having heard the learned Counsel on either side, I am also of the considered opinion that, grant of licence for new fair price shops is for public good and courts are not expected to interfere with such decisions, unless the decision is found to be patently illegal. The reason that there may be a reduction in the business of an existing shop does not justify such intervention. If other valid points are highlighted in Ext.P4 representation, it is for the third respondent to consider the same. At any rate, there cannot be a compulsion on the third respondent to take a decision based on the points mooted by the petitioner.

The Writ Petition is hence dismissed.

Sd/-

V.G.ARUN, JUDGE RK WP(C) NO. 25540 OF 2022 APPENDIX OF WP(C) 25540/2022 PETITIONER EXHIBITS Exhibit P1 TRUE PHOTOCOPY OF THE ORDER OF APPOINTMENT DATED 8.3.1988 ISSUED BY THE 3RD RESPONDENT.

Exhibit P2 TRUE PHOTOCOPY OF THE REGISTRATION CERTIFICATE DATED 24.9.2020 ISSUED BY THE REGISTERING AUTHORITY UNDER FOOD SAFETY AND STANDARDS ACT, 2006.

Exhibit P3 TRUE PHOTOCOPY OF THE NOTIFICATION DATED 16.5.2022 ISSUED BY THE 3RD RESPONDENT.

Exhibit P4 TRUE PHOTOCOPY OF THE REPRESENTATION DATED 1.8.2022 PREFERRED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.