

**IN THE HIGH COURT OF UTTARAKHAND AT**  
**NAINITAL**

**WRIT PETITION NO. 1484 OF 2009 (MS)**

Khursheed Ahmed

.....Petitioner.

**Versus**

Commissioner Garhwal Mandal Camp Dehradun and  
another. ....Respondents.

Mr. Parikshit Saini, Advocate for petitioner.

Mr. K.P. Upadhyay, Addl. Chief Standing Counsel for State of Uttarakhand.

Mr. T.A. Khan, Advocate for intervener.

**30<sup>th</sup> November, 2009**

**Hon'ble Sudhanshu Dhulia, J.**

Heard Mr. Parikshit Saini, Advocate for petitioner,  
Mr. K.P. Upadhyay, Addl. Chief Standing Counsel for  
State of Uttarakhand and Mr. T.A. Khan, Advocate for  
intervener.

This writ petition has been filed by the petitioner  
challenging the suspension of his fair-price shop licence.  
The grounds on which the petitioner's fair-price shop  
licence has been suspended is that certain information  
was sought from the petitioner regarding the records  
pertaining to his fair-price shop, which the petitioner  
failed to furnish, as his records were missing. Since the  
information was not given, the S.D.M., Roorkee on  
23.9.2008 passed an order, whereby the fair-price shop  
licence of the petitioner was suspended on the ground  
that the records were not available with the petitioner  
and the petitioner has violated the conditions of the fair-  
price shop licence. Against this order of the S.D.M,  
Roorkee, the petitioner moved an appeal before the  
Commissioner, which has also been dismissed on  
29.5.2009. Now, this writ petition has been filed by the  
petitioner with the following prayer:

**"I. a writ, order or direction in the nature of  
certiorari quashing the impugned order dated  
29-5-2009 passed by respondent no. 1  
(contained as Annexure No. 7 to this writ**

**petition) and to quash the order dated 23.9.2008 passed by respondent no. 2 (contained as Annexure No. 4 to this Writ Petition)**

**II. to pass a suitable writ, order or direction in favour of petitioner and against the respondents which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.**

**III. to award the cost of the present writ petition to the petitioner."**

It is an admitted case that the consumers, who were earlier taking their ration from the petitioner have been attached to another fair-price shop in the near by village namely Piran Kaliyar.

More than one year has already passed since the suspension order dated 23<sup>rd</sup> September, 2008 was passed by the S.D.M and the licence of the petitioner continues to be suspended and no action has been taken consequent to the inquiry which is being made by the S.D.M., Roorkee.

It is, therefore, directed that the S.D.M., Roorkee, who has initiated the proceedings against the petitioner shall complete the enquiry and the proceedings, and pass a final order on the same within a period of two months from the date a certified copy of this order is produced before him.

Meanwhile it is also directed that consumers who were earlier taking their food-grains and other essential commodities from the petitioner shall remain attached to fair-price shop of the nearby village, to which they have been attached vide order dated 23<sup>rd</sup> September, 2009.

With the aforesaid directions, writ petition is disposed of. No order as to costs.

(Sudhanshu Dhulia, J.)  
30.11.2009