

sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No.1876 of 2021</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Bilal Ahmed, Advocate, for the petitioner.</p> <p>Mr. G.S. Negi, Additional CSC, for the State of Uttarakhand/respondent Nos.1 to 6.</p> <p>Respondent No.7, in the present writ petition is a fair price shop licence holder of Village Kishanpur, Jamalpur, District Haridwar. As against certain irregularities allegedly committed by the respondent No.7, the fair price shop licence of the respondent No.7, was made a subject matter of an inquiry, which is pending consideration before the Competent Authorities.</p> <p>The petitioner contends that the proceedings, which are being contemplated against the respondent No.7, are in contravention to the proceedings, as contemplated under the Government Order dated 14.08.2013, because the change of category, there should also have been a prior proposal of the "Gaon Sabha", in an open meeting, which was not held in the instant case, and as such, the action ought to have been taken in terms of the said Government Order.</p>

			<p>The petitioner has filed this writ of mandamus, with the following reliefs:-</p> <p>“I. Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to conduct a fair and impartial inquiry regarding the illegalities and irregularities being committed by respondent No.7 in collusion with officials of the Supplies Department and accordingly suitable action be taken against the erring persons.</p> <p>II. Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to take suitable action on the complaint/representation moved by petitioner and other villagers regarding illegalities committed by respondent No.7 in collusion with officials of the Supplies Department.”</p> <p>In fact, if the status of the petitioner is taken into consideration, it has been argued by the Counsel, that the petitioner is a resident of the Village, and is one of the most poorest person, who can maintain a writ petition for a direction for holding a fair inquiry under the premonition, as if the inquiry would not be</p>
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			<p>concluded in accordance with law.</p> <p>Even if it is presumed for a moment, that there is a slightest apprehension with the petitioner, that the inquiry would not be concluded in accordance with law. Though, it is unfounded, but still after the culmination of the inquiry, the petitioner's legal right if at all is affected by the decision which is taken by the Competent Authority, is not prejudiced, rather his right is not curtailed even to approach before any other superior forum against the action if any taken against the respondent No.7. The writ petition looking to the nature of relief, which has been preferred, would not fall within the ambit of the writs of mandamus, and the circumstances under which, it could be issued, because there is no apparent breach of fundamental rights of the petitioner nor there is any infringement of his right, which has been guaranteed, to the petitioner under the Statutes. In fact, the entire action, which has been taken against the respondent No.7, is qua against the other respondents of the writ petition. The petitioner individually, in person has got no right as such to seek for a writ of mandamus. Having said so, and it goes without saying, that the inquiry contemplated against the respondent No.7, would obviously is expected to be conducted by the Competent Authority in accordance with law.</p>
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			<p>Subject to the above observation, the writ petition stands dismissed accordingly.</p>
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(Sharad Kumar Sharma, J.)

16.09.2021

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