

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1478/2025
CM No. 3479/2025

Mohd. Afsar

.....Appellant(s)/Petitioner(s)

Through: Mr. Ayushman Kotwal, Advocate

Vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Bhanu Jasrotia, Advocate

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
11.08.2025

1. On mention, the matter is taken up out of turn at the request of Mr. Ayushman Kotwal, learned counsel appearing on behalf of the petitioner.
2. Mr. Ayushman Kotwal, learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to the order passed by a Coordinate Bench on 06.06.2025, on which date the learned counsel appearing on behalf of the respondents Ms. Monika Kohli, learned Sr. AAG was directed to apprise the Court, with respect to the action taken by Director FCS & CA.
3. By virtue of the aforesaid order, the respondent No. 2- Director, FCS & CA, Department, Rajouri, has been directed to come up with the reply in the instant petition by keeping in view the fact that since the petitioner was accorded Fair Price Shop (Ration-Depot) license vide Government

order No. 286-FCS & CA of 2017 dated 06.07.2017, which was suspended by virtue of an order dated 08.04.2020, issued by the concerned Tehsil Supply Officer (TSO) on the pretext that some FIR has been registered against the petitioner with respect to his fake date of birth certificate which he has allegedly used in obtaining the license which fact came to be disapproved and FIR bearing No. 0006/2020 was quashed by this Court in terms of judgment dated 15.05.2014 in CRM(M) No. 995/2023.

4. Thus, with the quashment of the aforesaid FIR, the case of the petitioner for restoration/revival of his favour Fair Price Shop (Ration-Depot) was to be accorded due consideration by the concerned Tehsil Supply Officer (TSO) or for that matter the concerned Director and in the aforesaid backdrop this Court vide order dated 06.06.2025, had directed the Director to file reply supported with an affidavit.
5. Through the medium of the aforesaid order it was made clear that, in case if the reply is not filed on behalf of the Director by the next date, the Court will be constrained for his personal appearance.
6. The reply, however, stands filed on behalf of the respondents on 30.07.2025 in which the respondents have taken a specific stand that the respondent No. 1, vide communication dated 30.06.2025, has communicated to respondent No. 2, with regard to the issue regarding restoration of the license for Fair Price Shop (Ration-Depot) in favour of

the petitioner. Besides respondent No. 1 has also conveyed in unambiguous terms that the considered decision be taken in the matter shortly in consultation with NIC by observing procedural norms and looking into the feasibility.

7. The only impediment in the petitioner's case was the registration of an FIR, which has since been quashed by a Coordinate Bench of this Court on 15.05.2024 mentioned (Supra) and the respondents are under legal obligation qua the petitioner to take a final decision with respect to the restoration of license of Fair Price Shop.
8. Thus, in the light of the stand taken by the respondents in the reply affidavit, no fruitful purpose would be served to keep this petition alive and this Court in the peculiar facts and circumstances of the case and also in the light of the stand taken by the respondents, deems it proper to direct respondent No. 2 to accord due consideration to the case of the petitioner for restoration of his status, as a dealer of the Hill Tak Fair Price Shop (Ration-Depot) in consultation with NIC by observing the procedural norms and also looking into feasibility, within a period of six weeks from the date a copy of this order along with the writ petition and annexures are made available to the said respondent.
9. It is further made clear that, in case if the respondent No. 2 intends to hear the petitioner, in that eventuality an opportunity of being heard be provided to the petitioner and the petitioner will also be at liberty to

place on record any documentary proof with a view to advance his case in support of his claim. The decision, which is likely to be taken, be forwarded to the petitioner through registered.

10. The instant writ petition is ***disposed of*** in the manner indicated.

(Wasim Sadiq Nargal)
Judge

Jammu
11.08.2025
Nikhil

