

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2917/2025 CM(7745/2025)

1. FAYAZ AHMAD MIR S/O GHULAM ...Petitioner(s)/Appellant(s)
MOHAMMAD MIR
R/O KITERDAJI-RAFIABAD TEHSIL
DANGIWACHA-RAFIABAD
DISTRICT BARAMULLA AGED 40
YEARS

Through: Mr. M.Y. Lone, Advocate

Vs.

1. U.T OF J&K THROUGH SPECIAL ...Respondent(s)
SECRETARY TO GOVERNMENT FOOD,
CIVIL SUPPLIES & CONSUMER AFFAIRS
DEPARTMENT CIVIL SECRETARIAT
SRINAGAR/JAMMU
2. DIRECTOR FOOD, CIVIL SUPPLIES &
CONSUMER AFFAIRS SRIANGAR.
3. ASSISTANT DIRECTOR FOOD &
SUPPLIES DEPARTMENT BARAMULLA
4. TEHSIL SUPPLY OFFICER (FOOD, CIVIL
SUPPLIES) RAFIABAD-BARAMULLA

Through: Mr. Hakeem Aman Ali, Dy. AG

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

ORDER

02-12-2025

I. BRIEF FACTS

1. By the medium of the present petition, the petitioner seeks a direction to the respondents to implement Circular No. DFCS&CA/Pig/2022/5458-70 dated 10.03.2022 and not to permit any internal adjustment/arrangement centres within the vicinity of the petitioner's Fair Price Shop (FPS) at village Kiterdaji, Tehsil Halipad, District Baramulla, and further not to curtail his ration quota.
2. The facts, as emerging from the pleadings on record, are that the petitioner was granted a Fair Price Shop (FPS) licence for village Kiterdaji, Tehsil Halipad, District Baramulla vide Order No. 04

FCS&CA/Bla/2018 dated 03.02.2018. The petitioner has been continuously operating the said FPS since its allotment, and the last supply of food grains was received for the month of October, 2025. The petitioner asserts that he has deposited the requisite security amount with the respondent-department in terms of the prevailing circulars and that no complaint has ever been reported against his functioning.

3. The grievance projected by the petitioner is that the respondents are permitting internal adjustment/arrangement centres within a short distance of 200–250 meters from the petitioner's FPS, resulting in curtailment of the petitioner's ration quota and adversely affecting his income. It is the specific case of the petitioner that such internal adjustments are in violation of Circular No. DFCS&CA/Pig/2022/5458-70 dated 10.03.2022, which requires closure of internal adjustment centres functioning within one kilometre of any Government Sale Centre or Fair Price Shop. The petitioner claims to have submitted representations seeking implementation of the said circular, allegedly endorsed by the Director as well as the Assistant Director; however, respondent No. 4 failed to act in accordance with the circular.
4. The petitioner has also placed reliance upon interim orders passed by this Court in similar matters, including WP(C) No. 784/2022, WP(C) No. 631/2023 and WP(C) No. 1984/2023, wherein status quo with respect to the functioning of FPS centres was directed to be maintained. The petitioner alleges that despite being similarly situated, the respondents have not extended the same treatment to him.

5. When the matter was taken up on 28.11.2025, Mr. Hakeem Aman Ali, learned Deputy Advocate General, submitted that the case is squarely covered by the judgment passed by the Hon'ble Division Bench in WP(C) No. 2105/2025 and clubbed matters, whereby the petitions were dismissed. Learned counsel for the petitioner was accordingly directed to examine the judgment.

II. ARGUMENTS

6. Learned counsel for the petitioner, after examining the judgment of the Division Bench, submitted that in view of the said judgment, the present petition be disposed of in terms of the said judgement.
7. Per contra, learned Deputy Advocate General argued that the petitioner's entire claim is based on Circular No. DFCS&CA/Pig/2022/5458-70 dated 10.03.2022, which already stands superseded by S.O. 41 dated 19.01.2023 issued by the Government of Jammu and Kashmir, Department of Food, Civil Supplies & Consumer Affairs. Therefore, no relief can be granted to enforce a superseded circular. It is further contended that the interim orders relied upon by the petitioner also stand eclipsed by the final judgment of the Division Bench in WP(C) No. 2105/2025 and connected matters.

- 8. Heard learned counsel appearing for the parties and perused the record.**

III. FINDINGS AND LEGAL ANALYSIS

9. This Court also finds force in the submission of the learned Deputy Advocate General that Circular No. DFCS&CA/Pig/2022/5458-70 dated 10.03.2022, which forms the fulcrum of the petitioner's claim,

already stands superseded by the statutory order S.O. 41 dated 19.01.2023. The governing regime having been replaced by a subsequent statutory instrument, no relief can be granted on the basis of the superseded circular. The petitioner has not challenged S.O. 41 nor shown that the respondents have acted contrary to it.

10. The reliance placed by the petitioner on interim orders passed in WP(C) No. 784/2022, WP(C) No. 631/2023, and WP(C) No. 1984/2023 is entirely misplaced. In those petitions, S.O. 41 was under challenge, and all such writ petitions were ultimately dismissed by the Division Bench in the aforementioned judgment.

IV. CONCLUSION

11. In the light of the foregoing discussion, this Court finds no ground to grant any indulgence in favour of the petitioner. The writ petition, being wholly devoid of merit, is accordingly dismissed, together with interlocutory application/s. However, the dismissal of this petition shall not preclude the petitioner from approaching the appropriate forum, in accordance with law, in the event he is of the opinion that the respondents are not adhering to S.O. 41, if so advised.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
02-12-2025
Mubashir