

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1729 of 2015

Date of Decision.02.02.2015

Kailash Rani and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Present: Mr. Jagmeet Singh Moudgill, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner's grievance is that pursuant to the directions by this Court for disposal of the petitioner's representation, the decision taken by the authorities that the petitioner is not entitled to allotment for a fair price shop because there exists a ban from 15.11.2011 is not a correct decision. According to him, yet another person has been granted the benefit of such allotment and therefore, the petitioner must also have an allotment made. If there is a ban for setting up fair price shop after a particular date that operates against the petitioner and disentitles him to seek for any claim, no mandamus could be issued against such a ban. Writ petition is possible for mandamus to be issued only if there is an existing right. If the petitioner's case is that yet another person has had the benefit despite the ban, probably there is case made out for cancellation of allotment which is made for yet another person. It cannot vest with the petitioner any right to obtain an

allotment.

2. The writ petition is dismissed but the petitioner will be at liberty to point out to the authorities the allotment made to person who ought not to have granted allotment in spite of such ban and if that also is not properly considered, it will be open for the petitioner to escalate it to higher authorities and bring it before the Court if no relief is possible to ensure that the cancellation is not made to person who is not entitled.

3. Even in the absence of challenge for cancellation for allotment made to yet another person, having regard to the fact that the petitioner brings it to the knowledge of the Court that yet another person has been granted such an allotment in spite of ban, I direct the State of Punjab through the Secretary, Food and Supplies to consider the allotment that has been made to Sh. Ashok Kumar s/o Gian Chand, resident of Jalalabad, District Fazilka and consider why such an allotment was made in spite of the ban in accordance with law by joining the person in enquiry before a final decision is taken.

(K. KANNAN)
JUDGE

February 02, 2015
Pankaj*