

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

CWP No.16642 of 2013 (O&M)  
Date of Decision.24.04.2017

Jasbir Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Mohd. Yousaf, Advocate  
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

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**AMIT RAWAL J.(ORAL)**

The grievance of the petitioner in the present writ petition is to the impugned order dated 22.11.2012 (Annexure P-6) whereby the application dated 04.04.2011 for grant of Retail Sale Drug Licence has been rejected.

Mr. Mohd. Yousaf, learned counsel appearing for the petitioner submits that the Directorate of Health and Family Welfare, Punjab Pariwar Kalyan Bhawan, Sector 34-A, Chandiarh vide impugned order aforementioned has rejected the application by taking into consideration the policy dated 24.04.2010 made by the Government under the directions of this Court, in essence, the population of the village Sandhaur was less and therefore, this was one of the reasons for rejecting the application.

He further submits that the population of 3312 of the village was taken as per survey of 2001 whereas the application is of the year 2011 and decision taken in 2012. He further submits that policy of the State has created discrimination, which fundamentally they cannot do viz; if the population of the village is between 1500 to 10,000, only then one licence

can be granted but according to the findings rendered in the impugned order, there are four retail licenses, in essence, if decision has to be taken as it is, then three drug licences have to be cancelled. All these aspects were required to be pondered upon but having failed to address the issue, the impugned order is not sustainable in the eyes of law.

Mr. Yatinder Sharma, Addl. A.G., Punjab submits that the order under challenge is perfectly legal and justified and does not call for interference. There has been application of mind, much less, consideration of the population in the area and therefore, there cannot be any fault in the order, thus, urges this Court for dismissal of the writ petition.

I have heard learned counsel for the parties and appraised the paper book. The admitted position on record is that a drug licence can be issued for one person if the population of the village is between 1500 to 10,000. Concededly, as per the impugned order, four retail licences had been issued whereas application of the petitioner was fifth one and one of the reason for rejection of the application was that the population of 3312 as per survey of 2001 was taken into consideration whereas it should have been of recent times and if at all, the policy did not envisage granting of more than one licence, the authority could have taken a cognizance of the same as to how and what manner the other retail licences had been issued.

In my view, the application of the petitioner has not been decided in the aforementioned manner, in essence, strictly as per the policy, much less, population of recent times. Resultantly, the impugned order is set aside and the matter is remitted back to respondent No.3 to decide the application keeping in view the aforementioned observations, much less, any other point which the petitioner wishes to urge in accordance with law.

Let this exercise be done within a period of two months from the date of receipt of certified copy of this order.

The writ petition is allowed.

**(AMIT RAWAL)**  
**JUDGE**

**April 24, 2017**  
Pankaj\*

Whether speaking/reasoned      Yes

Whether reportable                  No