Serial No. 17
Regular Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 2023/2024
CM(5419/2024).

RESIDENTS OF VILLAGE GUND HADOO KHUDPORA.

…Petitioner (s)

Through: Mr. M.A. Thakur, Advocate.

VERSUS

UNION TERRITORY OF J AND K AND ORS.

Through: Mr. T.A. Lone, Dy. AG.

…Respondent(s)

CORAM:
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER

20-11-2026

01. Through the medium of the present petition, the petitioners are seeking shifting of the Fair Price Shop (FPS) from village Memender, to Gund Huddo Khudpora Shopian.

02. According to the petitioners, a Fair Price Shop (FPS) was allotted to village Gund Huddo Khudpora Shopian, and the licence was granted in favour of private respondent No. 5 to operate the said Fair Price Shop. However, after some time, respondent No. 5 shifted the shop to village Memender, which is his native place.

03. It has been submitted that the place to which Fair Price Shop (FPS) has been shifted to another village, is about two and a half kilometres away from village Gund Huddo Khudpora, which is causing inconvenience to the rationees of the village Gund Huddo Khudpora. It has been submitted that a representation was made to the official respondents, and the

petitioners were informed that the private respondent has pleaded non-availability of suitable place in village Gund Huddo Khudpora. It has been further submitted that shifting of the shop to another location is in clear violation of the policy. The petitioners have, accordingly, prayed for cancellation of the licence of respondent No. 5 on account of breach of the terms and conditions made by him.

04. The official respondents have filed their reply to the writ petition. In the reply, it has been submitted that the licence for the Fair Price Shop was allotted to private respondent No.5 for village Gund Huddo Khudpora, Shopian, for the purpose of distribution of Public Distribution System items to the rationees attached to the said FPS. It has been submitted that, as per the report of the concerned TSO, the sanctioned FPS was originally located in village Gund Huddo Khudpora. However, the shop was situated on the bank of a stream, as a result of which there were frequent blockages and overflow of water, which led to flooding of the shop, thereby causing damage to food grains and raising hygiene concerns. In order to ensure safe and hygienic storage and distribution, the FPS dealer was compelled to shift the shop a few metres across the stream, which has led to the grievance of the petitioners.

05. Heard learned counsel for the parties and perused the record.

06. It is an admitted case of the parties that the FPS was sanctioned for village Gund Huddo Khudpora, Shopian, and the licence to operate the said FPS was granted in favour of private respondent No.5. The petitioners allege that the location of the FPS was shifted to another village, namely,

HIGH COURT JAMMU & KASHMIR AND LADAKH

Memender, without any justification, which constitutes a violation of the terms and conditions of the licence.

07. In this regard, the official respondents have categorically stated that shifting of the FPS shop to village Memender was necessitated because the original location of the FPS shop was on the bank of a stream, which resulted in flooding of the shop and constant damage to the food grains. The shifting of the shop to another village has been necessitated due to reasons not attributable to the licensee. Therefore, his licence cannot be cancelled. According to the official respondents, the licensee has informed them that no other suitable accommodation is available in village Gund Huddo Khudpora, Shopian.

08. However, learned counsel for the petitioners, during the course of arguments, has submitted that the petitioners are ready to provide suitable premises to respondent No. 5 for operating the FPS shop within village Gund Huddo Khudpora.

09. In view of the aforesaid statement made by learned counsel for the petitioners, the petition is ***disposed*** of with a direction to respondent Nos. 1 to 4, as also to private respondent No. 5, to shift the FPS shop to village Gund Huddo Khudpora, provided the petitioners make an arrangement for a suitable shop in the said village. The needful shall be done by the parties within a period of one month from today.

(Sanjay Dhar)
Judge

SRINAGAR
20-11-2026
Showkat Khan