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HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1165 of 2022

02nd June, 2026

Vinod Kumar

--Petitioner

Versus

Commissioner Garhwal Mandal Garhwal Dehradun and
others

--Respondents

Presence:-

Mr. Tapan Singh Advocate for the Petitioner.

Mr. B.S. Koranga, learned Brief Holder for the State.

Hon'ble Pankaj Purohit, J.

By means of this writ petition, petitioner has prayed to quash the Resolution No.4 passed in the open Meeting dated 24.11.2020 issued by Respondent No.3 (Annexure No.2). A further writ of certiorari has been sought quashing the order dated 06.09.2021 passed by respondent no.2 (Annexure No.4). It is also prayed to quash the order dated 21.03.2022 passed by respondent no.1 (Annexure No.5).

2. The brief facts of the case are that the petitioner Vinod Kumar was a fair price shop dealer of Village Naitwala Saidabad, Block Laksar, District Haridwar. The dispute arises from proceedings initiated for cancellation of his fair price shop agreement on allegations of irregularities in the distribution of essential commodities and use of forged signatures on stock registers and consumption certificates. The Administrative Committee meeting was convened on



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22.10.2020, wherein allegations were considered that the petitioner had not been properly maintaining the stock register and consumption certificates and that signatures purportedly made on such documents were forged. On the basis of the said allegations, the Committee recommended cancellation of the petitioner's fair price shop and suspension of his dealership. Thereafter, in a meeting of the Gram Sabha held on 24.11.2020, a resolution was passed recommending cancellation of the petitioner's fair price shop agreement. Consequently, the proposal was forwarded to the District Magistrate, Haridwar for appropriate action. Pursuant thereto, respondent no. 2 issued a show-cause notice dated 09.02.2021 calling upon the petitioner to explain the allegations. The petitioner submitted his explanation on 30.07.2021 denying all allegations and asserting that the signatures appearing on the stock registers and consumption certificates were genuine. The petitioner also produced various consumption certificates bearing signatures of the Panchayat Secretary and Village Pradhan in support of his defence.

3. Subsequently, an inquiry was conducted through the Block Development Officer/Assistant Development Officer (Panchayat), Laksar. The inquiry report dated 25.03.2021 allegedly found discrepancies in the signatures appearing on the stock registers and consumption certificates and concluded that irregularities had been committed by the petitioner. Relying upon the material collected during inquiry, the District Magistrate, Haridwar passed an order dated 06.09.2021 cancelling the fair price shop agreement of the petitioner with immediate effect. Aggrieved thereby, the petitioner preferred Appeal No. 1 of 2021-22 before the



Commissioner, Garhwal Division, Dehradun. The appellate authority, after considering the record and affording opportunity of hearing, dismissed the appeal by order dated 21.03.2022 and affirmed the order of cancellation. Challenging the Gram Sabha Resolution dated 24.11.2020, the cancellation order dated 06.09.2021 and the appellate order dated 21.03.2022, the petitioner has filed the present writ petition.

4. Learned counsel for the petitioner submits that the proceedings culminating in cancellation of the petitioner's fair price shop are illegal, arbitrary and contrary to the procedure prescribed under the Government Order dated 15.10.2005. It is contended that no ration card holder ever complained regarding distribution of essential commodities and that the proceedings were initiated solely on the allegations of the Panchayat Secretary. According to the petitioner, the allegations of forged signatures on the stock register and consumption certificates are false and were levelled only to secure cancellation of his fair price shop.

5. It is further submitted that the Gram Sabha resolution dated 24.11.2020, forming the basis of the impugned action, is itself illegal and non est. Referring to Section 3(E) of the Uttarakhand Panchayati Raj Act, 2016, learned counsel contends that the proceedings do not disclose fulfilment of the statutory quorum and, therefore, the recommendation for cancellation could not have been acted upon. It is also urged that neither the composition of the Administrative Committee nor the manner in which the recommendation was made has been properly disclosed, casting doubt on the validity of the proceedings.



6. Learned counsel for the petitioner further submits that the authorities concluded that the signatures appearing on the stock register and consumption certificates were forged without obtaining any handwriting expert opinion or conducting any scientific examination. According to the petitioner, mere denial of signatures by the Panchayat Secretary could not constitute sufficient proof of forgery. It is argued that although the petitioner produced several consumption certificates bearing the signatures of the Panchayat Secretary and the Village Pradhan, no proper verification or comparison was undertaken before recording adverse findings.

7. It is also contended by the learned counsel for the petitioner that the inquiry was conducted by an authority not competent under the Government Order dated 15.10.2005. Learned counsel submits that while the Government Order authorises specified authorities to conduct such inquiry, the same was carried out by the Block Development Officer/Assistant Development Officer (Panchayat), who lacked jurisdiction. Consequently, the inquiry report and all consequential proceedings are liable to be set aside. It is further argued that reliance on earlier instances of suspension was misconceived, as those orders had either been revoked or set aside by the competent authorities. It is thus submitted that the resolution dated 24.11.2020, the cancellation order dated 06.09.2021 and the appellate order dated 21.03.2022 are unsustainable in law and deserve to be quashed.

8. Learned counsel for the respondent submits that the impugned proceedings have been undertaken strictly in accordance with law after affording adequate



opportunity of hearing to the petitioner. It is contended that complaints regarding irregularities in the operation of the fair price shop were received in the village, whereupon the Administrative Committee conducted an inquiry and placed its recommendations before the Gram Sabha. In its open meeting held on 24.11.2020, the Gram Sabha unanimously resolved to recommend cancellation of the petitioner's fair price shop agreement, following which the matter was forwarded to the District Magistrate for appropriate action.

9. Learned counsel further submits that, pursuant to the said resolution, a show-cause notice was issued to the petitioner and his reply was duly considered. Thereafter, an inquiry was conducted through the departmental authorities, during which it was found that the signatures appearing on the stock register and consumption certificates differed from the admitted signatures of the Panchayat Secretary. The Panchayat Secretary specifically denied the disputed signatures and the inquiry report recorded findings regarding irregularities committed by the petitioner. It is argued that, on the basis of the material collected during inquiry, the District Magistrate rightly concluded that the petitioner had violated the conditions governing operation of the fair price shop.

10. It is further submitted by the learned counsel for the respondent that the challenge to the Gram Sabha proceedings is misconceived. According to the respondents, the proposal of the Administrative Committee was placed before the Gram Sabha in an open meeting and was unanimously approved by the members present. The respondents deny any lack of quorum or



procedural irregularity and contend that the resolution was validly passed. Learned counsel also disputes the petitioner's objection regarding competence of the inquiry officer, submitting that the inquiry was conducted through the departmental machinery under the directions of the competent authority and that the final decision was taken by the District Magistrate after considering the entire material on record. It is contended that no prejudice has been caused to the petitioner, that the inquiry cannot be invalidated on technical grounds, and that the petitioner has a history of irregularities in operating the fair price shop, having faced suspension proceedings on earlier occasions as well. Accordingly, it is submitted that no ground for interference under Article 226 of the Constitution of India is made out.

11. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the record, this Court finds that the principal allegation against the petitioner pertains to the alleged use of forged signatures on the stock registers and consumption certificates. The impugned orders reveal that the finding of forgery has essentially been recorded on the basis of denial of the signatures by the Panchayat Secretary. However, neither the inquiry officer nor the authorities concerned undertook any objective verification of the disputed signatures, nor was any expert opinion obtained before arriving at such a conclusion. A finding of forgery carries serious civil consequences as well as criminal implications and, therefore, cannot be sustained merely on the basis of assumptions or unilateral assertions, particularly when the petitioner had specifically disputed the allegation and asserted the genuineness of the signatures. In the absence of any cogent material



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establishing the allegation of forgery, the very foundation of the impugned action becomes unsustainable. The appellate authority has also failed to address this fundamental infirmity while affirming the order passed by the District Magistrate.

12. This Court is, therefore, of the considered view that the impugned orders dated 06.09.2021 and 21.03.2022 cannot be sustained in law.

13. Accordingly, the writ petition is allowed.

14. The order dated 06.09.2021 passed by the District Magistrate, Haridwar and the order dated 21.03.2022 passed by the Commissioner, Garhwal Division, Dehradun are hereby quashed. The respondents are directed to restore the fair price shop of the petitioner and permit him to operate the same, subject to there being no other legal impediment.

15. Pending application(s), if any, stands disposed of.

(Pankaj Purohit, J.)

02.06.2026

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