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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 542/2021

BEENA DEVI & ORS. Petitioners

Through: Ms. Aakanksha Badkur, Ms. Jayshree
Satpute and Ms. Tripti Poddar,
Advocates.

versus

SHRI VIJAY KUMAR DEV & ORS. Respondents

Through: Ms. Shobhana Takair, ASC for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **12.10.2021**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. In purported compliance of this court's directions dated 23.07.2019, whereby the respondents were directed to re-examine the feasibility of opening of a Fair Price Shop ('FPS') for the convenience of residents of Rajiv Ratan Awas Yojana, Phase-2, Baprola, New Delhi, the respondents say that in the aforesaid residential area there are only 320 ration card holders, therefore it may not be feasible for an FPS licensee to operate an FPS with a small amount of margin-money. The margin-money is Rs.2 per kilogram of food grain supplied by an FPS. Ordinarily, each FPS caters to about 1000 ration card holders.
2. However, there is an exception to the clause. In special circumstances, an FPS can be opened for lesser numbers. The learned counsel for the

petitioner refers to the guidelines for allotment of FPS outlets, as notified by GNCTD on 29.08.1997, which reads *inter alia* as under:-

“As per the present norms the vacancy should ordinary be notified for about 1,000 food cards in case of Fair Price Shop and about 1,400 cards in case of Kerosene Oil Depot. However, in case of JJ Clusters and other areas inhabited by poorer sections of the society in the special cases relaxation of the norms for opening of new PDS outlet can also be considered.”

3. The learned counsel for the petitioner submits that more than 800 families are seeking the opening of FPS in Rajiv Ratan Awas Yojana, Phase-2. She submits that there exists a Community Centre in the said residential area and a portion of it has already been earmarked for opening of FPS. Let the GNCTD look into the matter afresh.
4. The learned counsel for the petitioners says that the petitioners and others seeking the opening of an FPS in the said Awas Yojana are people belonging to the economically weaker section. Presently, the FPS which serves them is approximately 2.5 kms away; womenfolk have to walk through deserted stretches and forest areas, simply to fetch rations, so as to feed their respective families. She submits that the morsel of food comes at a palpable cost to their safety and security.
5. In the special facts and circumstances, it is appropriate that Delhi Government open an FPS in the aforesaid place or in the immediate vicinity, as indicated hereinabove, so that the poorest of the poor are served well by the State.
6. It is in the interest of the State to ensure that citizen do not have to

chart their ways through difficult areas simply to get food-grains at subsidised prices.

7. Compliance affidavit be filed by 30.11.2021.
8. List on 08.12.2021.

NAJMI WAZIRI, J

OCTOBER 12, 2021
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