

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

CWP No.26483 of 2016

Date of Decision: November 28, 2017

Ram Kishan and another

. Petitioners

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.J.P. Jangu, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners have challenged the order dated 29.7.2016 passed by the Deputy Commissioner, Rewari by which order dated 14.3.2016 passed by the District Food and Supply Controller, Rewari [for short 'the DFCS'] has been set aside.

In short, respondent No.4 is running a ration depot under the license issued to him in terms of the provisions of the Haryana Public Distribution System (Licensing and Control) Order, 2009 [for short 'the Order']. On the basis of the complaint, enquiry was conducted against respondent No.4 and on the basis of the enquiry *show cause notice* was issued to him by the licensing authority i.e. the DFSC. Respondent No.4 filed his reply but the licensing authority was not satisfied with the reply and passed the order of cancellation of his license. Aggrieved against the order of cancellation of license, respondent No.4 preferred the statutory appeal before the Deputy Commissioner, Rewari, which was allowed vide order dated 29.7.2016 and hence, the present petition has been filed.

Learned counsel for the petitioners has submitted that respondent No.4 has not produced the relevant record regarding distribution of ration before the DFSC despite affording various opportunities and therefore, the license was accordingly cancelled.

I have heard learned counsel for the petitioners and after perusing the available record, am of the considered opinion that there is no merit in the present petition because it has been found by the appellate authority that respondent No.4 had submitted the affidavits of those persons, who had allegedly recorded their statement against him, alleging that they had no complaint against him and it has also been found that the record could not be produced before DFSC because it was misplaced and its missing report was recorded with the police on 18.2.2016 but these facts were ignored by the DFSC at the time of passing the cancellation order of license. It was also observed that respectable persons were not joined in the inspection and thus it was found that the entire exercise of cancellation of the depot of respondent No.4 is illegal.

I am in the agreement with the finding recorded by the Deputy Commissioner, Rewari/appellate authority and hence, the present petition is hereby dismissed.

NOVEMBER 28, 2017

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No