

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CWP No.8770 of 2016  
Date of decision : 07.04.2017

Sumer Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. J.P. Sharma, Advocate for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

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**AMIT RAWAL, J. (Oral)**

The petitioner has approached this Court seeking following relief:-

*“For issuance of a writ in the nature of certiorari for quashing of the impugned order dated 25.03.2015/22.04.2015 (Annexure P-1) passed by respondent No.3 and impugned order dated 10.02.2016 (Annexure P-2) passed by the respondent No.2 vide which the licence of the Public Distribution/Depot Holder of Village Akbarpur, Tehsil Narnaul, District Mahendergarh was cancelled in utter violence of the law and procedure and no proper inquiry was held by the respondents.*

*For issuance of writ in the nature of mandamus directing the respondents to restore the PDS/Depot Holder Licence of the petitioner as the petitioner has not committed any violation of the Order 2009;”*

Contention of learned counsel for the petitioner is that petitioner is Ration Depot Holder and on the alleged date of inspection dated 12.01.2015 by the Assistant Food and Supplies Officer, Narnaul, the premises of the petitioner was lying closed and on the back of the petitioner, statement of 11 BPL, AAY, OPH card holders was recorded. However, in response to the show cause notice, specific reply rebutting the aforementioned allegation was submitted but the same has not been considered. In support of his contention, he has relied upon decision dated 14.03.2016 rendered in CWP No.14346 of 2015 (Annexure P-4), whereby writ petition was allowed with liberty to the respondent to do the needful by remanding back the matter to the competent authority.

Mr. Rajbir Singh, learned counsel appearing on behalf of State submits that petitioner was found in not distributing control items to the actual BP Card Holder, therefore, there was violation of the terms and conditions resulting into passing of order under challenge.

I have heard learned counsel for the parties and appraised the paper book and of the fact that as regards the order (Annexure P-1) rendered by the Assistant Food and Supply Officer, the Deputy Commissioner is bereft of the evidence led by the petitioner i.e. statement of the same very persons who submitted that they never suffered any statement before the aforementioned inspector, therefore, they were made to do so under the pressure. Moreover, aforementioned fact has not been noticed by all the authorities, therefore, there is no application of mind.

I am of the view that statement should have been recorded in the presence of the petitioner by giving an opportunity to rebut them.

In view of the aforementioned fact, impugned orders are set aside. The matter is remitted back to the Assistant Collector, Food and Supply, Narnaul who shall initially pass the order to reconsider the matter and record the statement of all the persons who had submitted their statements in the reply filed by the petitioner to ascertain as to whether they have acted under the pressure or otherwise.

Parties are directed to appear before the authorities below on 01.05.2017.

Authorities are directed to pass the order within a period of three months from the date of receipt of certified copy of the order.

With the aforementioned observations, present writ petition stands disposed of.

**07.04.2017**

*pawan*

**(AMIT RAWAL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**