

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 12361 of 2013

Date of decision : July 11, 2018

Chander Bhan and others

..... **Petitioner**

Versus

State of Haryana and others

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. S. S. Ghangas, Advocate
for the petitioners.

Mr. Saurabh Mohunta, DAG., Haryana.

RAKESH KUMAR JAIN, J (oral).

This petition is preferred by eight petitioners who are allegedly having Below Poverty Line cards for the purpose of obtaining ration. The said BPL ration cards were cancelled by the competent authority in terms of the order passed by this Court in CWP No.1581 of 2010 decided on 25.11.2011. The only grievance of the petitioner is that they were not heard before the extreme order of cancellation of BPL ration cards had been passed by the competent authority. In order to appreciate the case of the petitioner, the record of the case was called.

Learned counsel for the State has tried to justify from the record that general information was given by way of publication and proclamation in the village but no personal notice was issued to the petitioners.

Learned counsel for the petitioners has thus, submitted that the petitioners are very poor persons who have no access to the general information and therefore, they were deprived of their right of being heard

I have heard learned counsel for the parties, perused the paper book and keeping in view the aforesaid facts and circumstances, am of the considered opinion that in such circumstances the petitioners who are perhaps illiterate should have been taken into confidence before an adverse order was passed against them.

In order to take the petitioners into confidence, they should have been given personal notice for hearing so that the principle of natural justice of audi alteram partem should have been satisfied.

In view of the above, the writ petition is allowed. The impugned order is set aside and a direction is issued to the competent authority to pass a fresh order in accordance with law after affording an opportunity of hearing to the petitioners. The petitioners are directed to appear before the competent authority/Additional Deputy Commissioner, Panipat on 2.8.2018.

It is needless to mention that the competent authority shall pass the order within a period of one month thereafter.

(RAKESH KUMAR JAIN)
JUDGE

July 11, 2018
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No