

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-27500-2017****Date of Decision:06.11.2019**

Manoj Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Virender Rana, Advocate for
Mr.Abhimanyu Singh Tanwar, Advocate
for the petitioner

Mr.Saurabh Mohunta, DAG Haryana

RAJIV NARAIN RAINA, J. (ORAL):

1. Prayer in this petition is for issuance of a writ in the nature of certiorari for quashing the impugned order dated 26.09.2016 (P6), passed by respondent No.4, vide which the petitioner's Public Distribution System (PDS) licence for running a ration shop was cancelled with security deposit forfeited. Consequentially challenged is the order dated 07.09.2017 passed by respondent No.3 by which the appeal filed by the petitioner was dismissed.

2. The petitioner is an ex-Depot holder under the Haryana Public Distribution System (Licensing and Control) Order, 2009. His license was cancelled by the District Food and Supplies Controller, Bhiwani-respondent No.4 (for short, "the Controller") vide order dated 26.09.2016 endorsed on 14.10.2016 for proved dereliction in distribution of ration. The license was valid for a period of three years. The period has presently expired.

3. Against the order of the Controller, the petitioner carried an appeal before the Deputy Commissioner, Bhiwani, who by order dated

07.09.2017, dismissed the appeal and upheld the order of the Controller as legal and valid.

4. Against these orders, the petitioner has approached this Court, feeling aggrieved by cancellation, contending that they are illegal and arbitrary and should be set aside and the license and depot restored to him.

5. I have heard learned counsel for the parties and have also perused the two orders and the documents placed on the record of this file.

6. The depot was cancelled on the complaint of respondent No.6 after the department conducted an inquiry finding therein irregularities committed by the petitioner in the sale of ration. He could not produce the record for the last two years of supplies received from the PDS system and distributed to the ration card consumers in the village. An opportunity of hearing was offered to the petitioner which was availed but he failed to impress upon the authorities his innocence regarding wrongful acts of commission and omission as a licensed depot holder. In the absence of any satisfactory reply or substantial plea taken by him to rebut the findings in the inquiry and the allegations in the private complaint, both the authorities were constrained to take away his license.

7. On a consideration of the matter, and keeping the material facts on record in view I have no reason to interfere with and set aside the impugned orders, as I do not find in them any fatal legal infirmity, arbitrariness, perversity or irrationality in the process of reasoning adopted and in reaching the conclusions arrived at. The Court is informed that since no interim stay against the cancellation was granted, the depot was licensed to another successful depot-holder in the same village and the work of distribution is being catered to satisfactorily for the intervening period

without any complaint from the stakeholders. This is the second reason for non-interference. Third party rights have stepped in. Also, the life of the license has expired by efflux of time, even if it was not cancelled.

8. For these reasons, I find no merit in this petition warranting interference.

9. Dismissal follows, but, with no order as to costs which will be borne by the parties.

06.11.2019*neenu/Vimal***(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable-

Yes/No