

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

CWP No. 18743 of 2021

Date of Decision: 18.01.2022

Prem Kumar

-Petitioner

Vs

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Sekhon, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this writ petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ in the nature of mandamus, directing respondents No.2 to 6 to restore ration card No.93 issued in the name of the petitioner which has been illegally cancelled by respondent No.5.

Perusal of letter dated 13.07.2020 (Annexure P-3) would show that an information was given to the petitioner that the depot holder- respondent No.6 had issued the ration card for the month of April, 2019 to September, 2019 to 159 ration card holders. Out of aforesaid, 153 ration card holders got ration

from the depot holder and from the month of October, 2019 to March, 2020, the ration was issued to 155 card holders and 154 card holders got the ration from the depot holders. The ration card of the petitioner was cancelled due to duplicacy. In respect of aforesaid letter, petitioner filed first appeal before the Appellate Authority under Right to Information Act.

Petitioner has pleaded that copy of aforesaid order was supplied to the petitioner on 29.08.2020 through registered letter and appeal was filed on 28.09.2020 within limitation. The date of cancellation of ration card has not come forth in the letter dated 13.07.2020.

The present writ petition is only in the nature of mandamus seeking directions for restoration of ration card without assailing the order of cancellation of ration card by the competent authority.

In view of aforesaid factual position, it would be just and appropriate to direct the appellate Authority, District Food Supplies and Controller, Fazilka under the provisions of Right to Information Act to decide the pending appeal against memo No.866 dated 13.07.2020 at the earliest in accordance with law, preferably within a period of 02 months from the date of receipt of certified copy of this order.

18.01.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE