

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 2312 of 2019

Date of decision: 14th February, 2023

Santosh Devi

Petitioner

Versus

State of Haryana and others

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vineet Chaudhary, Advocate for the petitioner.
Mr. Samarth Sagar, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This writ petition in the nature of *Certiorari* is filed seeking quashing of order dated 25.7.2018 accepting the appeal of respondent No. 4 (hereinafter referred to as 'the respondent') and restoring his licence for Public Distribution Depot (for short, 'the depot').
2. The brief facts are that the petitioner was running the depot in village Ruan. On a complaint filed, a team was constituted for investigating the allegations. As per the report, the Gram Panchayat had passed a resolution for opening new depot through a person of their village. One of the allegation was that the respondent was opening the shop for one day only. It was recorded that there was no complaint against respondent regarding ration distribution. In the reply filed, the respondent took a stand that the complainant was insisting for two bags of sugar and wheat from him and when he refused, the complainant threatened to file a complaint and ensuring that depot is allotted to his brother. The licence of the petitioner was cancelled vide order dated 2.7.2018.

3. Aggrieved of the cancellation order, appeal was filed. The appellate authority considering that the respondent was running the shop since the year 2000 and no fault has been found in ration distribution. The investigating team in its report had stated that the card holders had no complaint regarding distribution of ration. The appellate authority concluded that the respondent was not found guilty in any manner for cancellation of the licence.

4. Learned counsel for the petitioner submits that the petitioner was opening the shop only once a month and he is resident of another village.

5. Learned counsel for the State defends the impugned order and submits that there was no allegation of contravention of the terms and conditions of the licence.

6. The licence to run the depot was issued to the respondent under Haryana Public Distribution System (Licensing and Control) Order, 2009 (for short, 'the Order'). Clause 13 thereof provides for cancellation of the licence in case of contravention of the terms and conditions of the licence.

7. No case is made out by the petitioner that the respondent had contravened the terms and conditions of the licence. As per the investigating team the card holders had no complaint with regard to distribution of ration. The appellate authority rightly concluded that there was no ground for cancellation of licence.

8. No case is made out for interference in impugned order.

9. The writ petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

14th February, 2023

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1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No