

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

CWP No.8638 of 2020 (O&M)

DECIDED ON:19th January, 2023

Balwinder Rana

.....PETITIONER

VERSUS

The State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Nischal Chetanya Manchand, Advocate for petitioner.

Mr. Samarth Sagar, Addl. AG Haryana.

AVNEESH JHINGAN, J (ORAL)

This writ petition in the nature of Certiorari is filed for quashing of order dated 3.6.2019 cancelling the licence of ration depot of petitioner and order dated 19.3.2020 dismissing the appeal against the impugned order.

The brief facts are that the petitioner was allotted license under the Public Distribution System (Licensing and Control) order, 2009, for village Rahra, District Karnal.

As a result of complaint filed by Rajbir Singh, ration supply was suspended and ultimately the licence was cancelled vide order dated 3.6.2019. The cancellation was on the ground that a wrong report was issued stating that there was 4492 ration cards whereas it revealed that there were 3006 ration cards in the village. The petitioner remained unsuccessful in appeal.

The contention raised by learned counsel for petitioner is that as per the enquiry report Annexure P-3, the stand of the department was that there were 4484 ration cards in the village at the relevant time.

Learned State counsel on a specific instructions from Mr. Kaptan Singh, Accountant, submits that the said aspect has not been considered either by

the Appellant Authority or the Authority cancelling the licence.

In view of above, the impugned orders are set aside and the matter is disposed of by remanding back to District Food Civil Supplies and Consumer Affairs Controller, Karnal, to decide the factual aspect of number of card holders in the village at the time when the application of the petitioner for allotment of the depot licence was considered.

The parties are directed to appear before to District Food Civil Supplies and Consumer Affairs Controller, Karnal, on 15.2.2023.

Since the main case has been decided, the pending application, if any is rendered infructuous.

19th January, 2023

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*
Whether reportable *No*