

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CWP-15158-2021 (O&M)

Date of Decision: 30th May, 2023

Anil Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ram Pal Verma, Advocate for the petitioner.

Mr. Sharad Aggarwal, Deputy Advocate General, Haryana.

Mr. Amardeep Hooda, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This writ petition in the nature of Certiorari is filed seeking quashing of orders dated 1.7.2020 and 20.7.2021 cancelling the P.D.S. licence of the petitioner and dismissing the appeal respectively.

2. Brief facts are that the petitioner was granted licence for running a fair price shop in village Kheri Khummar, Tehsil and District Jhajjar. On receiving the complaint, enquiry was held. The statements of fourty seven card holders were recorded and show cause notice dated 18.6.2020 was issued. The petitioner responded to the show cause notice by filing a reply dated 23.6.2020. The licence of the petitioner was cancelled vide order dated 1.7.2020. The appeal filed by the petitioner was dismissed on 20.7.2021. Hence, the present petition.

3. Learned counsel for the petitioner submits that the order cancelling the licence is a non-speaking, documents produced by the

petitioner and the stand taken by him were not considered by the appellate authority.

4. Learned counsel for the respondent defends the impugned order.

5. The law is well settled that the *quasi judicial* order should contain reasons to support the conclusion arrived at and the same should be communicated to the affected party. The reference is made to the decision of Supreme Court in '***M/s Kranti Associates Pvt. Ltd. & another v. Sh. Masood Ahmed Khan and others, 2010(9) SCC 496.***'

6. Before proceeding further, it would be apposite to reproduce the operational part of the order cancelling the licence. :-

'On the basis of above shortcomings a show cause notice has been issued vide office letter No. N.V.-2020/1904 dated 18.6.2020. The Depot Holder submitted reply to the show cause notice on 23.6.2020. Depot Holder has been submitted reply to the show cause notice which was not satisfactory. The Depot Holder violated the Haryana Public Distribution System Notification Control order, 2009 by doing above shortcomings. For that he is accused.

Hence, I, Kushalpal Bura, District Food and Supply Controller, Jhajjar, Haryana passed order by using powers under Haryana Public Distribution System Notification Control Order, 2009 and forfeited the full security and cancelled the P.D.S. Licence.'

7. The impugned order of cancellation of licence is bereft of reasons and there is non-application of mind. The order cancelling the licence was passed in violation of principles of natural justice. Consequently, the impugned orders are set aside and matter is remanded back to the respondent No.3 for deciding the issue afresh in accordance

with law.

8. Petition is disposed of.
9. Since the main petition is disposed of, pending application, if
any is rendered infructuous.

(AVNEESH JHINGAN)

JUDGE

30th May, 2023

anuradha

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