

CWP No. 13198 of 2017
2023:PHHC:051002

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 13198 of 2017
Date of decision: 13th April, 2023

Mohd. Haarish

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Bhiam Kumar Majoka, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This writ petition in the nature of *Certiorari* is filed seeking quashing of orders dated 17.8.2016 and 17.4.2017 cancelling licence of Fair Price Shop of the petitioner and dismissing the appeal, respectively.
2. The brief facts are that the petitioner was holding a licence for running Fair Price Shop in village Ghigdaka, Tehsil Hathin, District Palwal. On the complaint received an enquiry was held and a show cause notice issued. The petitioner responded to the show cause notice by filing a reply. Vide order dated 17.8.2016, the licence was cancelled on the basis of report of the Assistant Food and Supplies Officer, Hathin that there were irregularities in distribution of ration. The appeal filed by the petitioner was dismissed on 17.4.2017, hence the present petition.
3. Learned counsel for the petitioner submits that the order of cancellation is a non-speaking. He further submits that the reply filed by the petitioner was not considered. The contention is that the petitioner was not confronted with the material, if any, against him. It is argued that the

petitioner is running the depot as operation of the impugned orders was stayed on 2.6.2017 and there is not even a single complaint.

4. Learned counsel for the State defends the impugned orders.
5. It is settled law that quasi-judicial order should contain reasons supporting the conclusion arrived at and the reasons should be communicated to the affected party. Reference in this regard is made to the judgment of the Supreme Court in *M/s Kranti Associates Pvt. Ltd. and another v. Sh. Masood Ahmed Khan and others*, 2010(9) SCC 496.
6. From the impugned orders, it is evident that the complainant was not a card holder attached to the depot of the petitioner. Further that sixteen persons who had given a joint statement against petitioner, subsequently resiled by furnishing affidavits in favour of the petitioner. The petitioner had explained his absence on the day of checking yet without dealing with the reply filed, the impugned order of cancellation of licence was passed which is bereft of reasons.
7. Consequently, the impugned orders are set aside. The matter is remitted back to respondent No. 3 to decide the matter afresh in accordance with law. Let the petitioner appear before the office of respondent NO. 3 on 5.5.2023 at 11.00 AM.
8. The petition is allowed.
9. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

13th April, 2023
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |