

2023:PHHC:087378

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-14647-2023 (O&M)
Date of Decision:-13.7.2023

Rajwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay K. Jindal, Advocate for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 30.12.2016 (Annexure P-2) passed by District Controller, Food Civil Supplies and Consumer Affairs, Amritsar-1, vide which his license to run Fair Price Shop had been cancelled.
2. Learned counsel for the petitioner has submitted the impugned order as regards cancellation of license to run Fair Price Shop has been passed by District Controller, Food Civil Supplies and Consumer Affairs, Amritsar, whereas the authority competent to cancel such license before January 2013 was District Magistrate. It has further been submitted that earlier similarly situated persons had approached this Court by way of filing several petitions, the lead petition being CWP No.22190 of 2019 titled Harcharan Singh Versus State of Punjab and others, decided on 18.1.2023, wherein the State admitted

that the District Controller, Food Civil Supplies and Consumer Affairs had no jurisdiction to pass such orders.

3. Notice of motion.
4. Pursuant to service of advance copy of petition to the State, Mr. Inderpreet Singh Kang, AAG, Punjab, has put in appearance on behalf of the respondent - State and accepts notice.
5. Learned State counsel has not disputed the legal position and has stated that the instant petition may be decided in terms of judgment passed by a Coordinated Bench of this Court in CWP No.22190 of 2019 titled Harcharan Singh Versus State of Punjab and others, decided on 18.1.2023.
6. In view of the aforesaid submission, the instant petition is allowed and the impugned order dated 30.12.2016 (Annexure P-2) passed by District Controller, Food Civil Supplies and Consumer Affairs, Amritsar-1 cancelling the licence of the petitioner, is hereby set aside with liberty to the respondents to pass an order afresh in accordance with law.

13.7.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No