

Neutral Citation No. 2023:PHHC:044512
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 25132 of 2018 (O&M)

DECIDED ON: 27th March, 2023

Kulwant Singh

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. A.S. Manaise, Advocate for petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (ORAL)

This writ petition in the nature of Certiorari is filed for quashing of orders dated 5th May, 2017 and 29th May, 2018 cancelling the licence of fair price shop of the petitioner and dismissing the appeal respectively.

The petitioner was holding a licence under the Haryana Public Distribution System (Licensing and Control) Order 2009. The licence was renewed upto 31st March, 2018. On the basis of complaint received that the petitioner was not giving ration to 64 card holders, after conducting an inquiry notices were issued to petitioner and the last notice was issued on 4th May, 2017. Petitioner failed to appear but the complainant filed a written application that he is withdrawing his complaint as the matter had been compromised between the parties. Vide ex-parte order dated 5th May, 2017 the licence was cancelled and the appeal filed was dismissed on 29th May, 2018.

Learned counsel for the petitioner submits that the petitioner was not served the notice. The matter was compromised between the parties and without affording an effective opportunity, the impugned orders have been passed.

Learned State counsel defends the impugned orders and submits that the parties arrived at a Panchayati compromise.

Without commenting upon the merits of the case, considering that the ex-parte order was passed and more-so, when the complainant was not supporting his allegations, the impugned orders are set aside and the matter is remanded back to respondent No.3 to decide afresh in accordance with law.

Let petitioner appear before respondent No.3 on 24th April, 2023, at 11:00 A.M.

Disposed of.

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

27th March, 2023

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*