

CWP No. 23861 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 23861 of 2022

Date of decision: 7th February, 2023

Mukesh Rani

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amarjit Beniwal, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The writ petition in the nature of *Certiorari* is filed seeking quashing of order dated 28.3.2022 and 25.4.2022 cancelling the licence of Public Distribution Depot (for short, 'PDD') and rejecting the appeal.

The petitioner was a licence holder. On the basis of a complaint made by four card holders alleging that she was not properly distributing the ration, the petitioner was served with a show cause notice dated 3.3.2022. On the same day, licence of the petitioner was suspended. On filing of the reply on 11.3.2022, the supply of ration to the depot of the petitioner was restored. On a complaint made by sitting MLA by naming six persons as complainants, supply to the depot of the petitioner was suspended on 14.3.2022. Show cause notice was issued on 25.3.2022. Reply dated 28.3.2022 was filed along with affidavits of the alleged complainants to the effect that they had not made complaint to the MLA. Vide order dated 28.3.2022, licence of the petitioner was cancelled. Appeal against the cancellation was dismissed on 25.4.2022.

Learned counsel for the petitioner submits that the order of cancellation is a non-speaking order. He further submits that the complaints

against the petitioner were due to political vendetta. The contention is that affidavits of the alleged complainants were not considered by the District Food and Supplies Controller.

Learned counsel for the State submits that on the basis of the complaints received a team was constituted and after enquiry, the licence was cancelled. In view of the reply filed, he is not in a position to dispute the fact that the affidavits were filed by the petitioner along with the reply.

From the perusal of the impugned orders, it is evident that the basis of cancellation was the complaints received. The enquiry report reveals that it was based upon the statements of the complainants. In the order of cancellation of the licence, the affidavits annexed with the reply were neither considered nor discussed.

For the reasons mentioned above, the impugned orders are set aside. The matter is remanded back to respondent No. 3 to decide the matter afresh in accordance with law after providing opportunity to the petitioner.

The petitioner is directed to appear before respondent No. 3 on 14.3.2023 at 11.00 AM.

The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

7th February, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No