

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**2024:PHHC:018949
CWP No.1679 of 2021
Date of Decision:12.02.2024**

Bhoop Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sanchit Punia, Advocate
for the petitioner
Mr. Raman Sharma, Addl. A.G.Haryana
Mr. Kapil Kumar Khatter, Advocate
for respondent No. 6

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 13.11.2018 (Annexure P-3) whereby Appellate Authority has allowed appeal of respondent No. 6 against the order dated 17.02.2016 (Annexure P-2) whereby District Food and Supplies Controller, Hisar has cancelled depot allotted to respondent No. 6.

2. The petitioner is a resident of village Rawalwas Kalan, Tehsil and District Hisar. The respondent No. 6 is holding licence to operate depot under Public Distribution Scheme. The petitioner lodged complaint against respondent no. 6 alleging that he is not carrying out his activities in accordance with law and there are many irregularities. The behaviour of the depot holder is not decent. On the basis of complaint of petitioner and other

villagers, an inspection was carried out and vide order dated 17.02.2016 passed by District Food and Supplies Controller, Hisar, the depot of respondent No. 6 was cancelled. The respondent No. 6 preferred an appeal before Appellate Authority which came up for consideration before Deputy Commissioner, Hissar who vide impugned order dated 13.11.2018 has allowed appeal of respondent No. 6 and restored his depot.

3. Counsel for petitioner submits that on the complaint of petitioner, the matter was ordered to be further investigated, however, despite orders of higher authorities, the district level authorities are not investigating the matter and depot of respondent No. 6 has been wrongly restored.

4. Per contra, Mr. Raman Sharma submits that petitioner being holder of more than two acres of land was not entitled to supply of wheat at concessional rate under Public Distribution Scheme, thus, he was not supplied wheat at concessional rate which gave impetus to petitioner to lodge complaint against respondent No. 6. The appellate authority before passing impugned order sought report from Sarpanch and other villagers who had confirmed that they had no grievance against the depot holder. The competent authorities time and again are inspecting record and activities of respondent No. 6 and in the absence of any complaint and in view of impugned order, the license of respondent No. 6 cannot be cancelled unless and until there is fresh material disclosing violation of terms and conditions of the licence.

5. I have heard arguments of counsel for the parties and perused the record with their able assistance.

6. From the perusal of record it comes out that petitioner had grudge against respondent No. 6 which gave impetus to lodge complaint. The licence of respondent No. 6, at the initial stage, was cancelled, however, the Appellate Authority considering report of Sarpanch and other villagers has restored. The authorities are competent to enquire activities of a depot holder and cancel his license at any point of time if there is violation of any provision of Essential Commodities Act and different Orders issued thereunder. This Court does not find any illegality in the impugned order warranting interference of this Court. Nevertheless, the authorities, as duty bound, would look into activities of respondent No. 6 and if they find that there is any irregularity on his part or he is violating terms and conditions of the license, they will take appropriate action against him.

7. In view of the above discussion, the petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.02.2024
paramjit

Whether speaking/reasoned: Yes
Whether reportable: Yes