

CWP-13354-2022 (O & M)

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

201+103

CWP-13354-2022 (O & M)
Date of decision:08.01.2024

RAJWINDER SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mrs. Manveen Kahlon, Advocate for
Mr. D.S. Pheruman, Advocate for the petitioner.

Ms. Anju Kaushik Sharma, DAG, Punjab.

Mr. Sandeep Arora, Advocate for the applicant.

SUVIR SEHGAL J.

1. By way of present writ petition filed under Article 226/227 of Constitution of India, petitioner has approached this Court for issuance of a writ in the nature of certiorari for quashing order dated 31.05.2022, Annexure P-3, by which ration depot license issued to the petitioner, has been cancelled.

2. Counsel for the petitioner submits that the petitioner, who is a matriculate and belongs to the scheduled caste category, had applied for a license under the Punjab Targeted Public Distribution System (Licensing & Control) Order, 2016 (for short - "the Order"), on the basis of a resolution dated 30.03.2022 passed by Gram Panchayat, Village Raniwalah, Tehsil and District Tarn Taran. She submits that license

dated 27.04.2022, Annexure P-1, was issued, however, ration cards were not handed over to the petitioner and he could not supply the ration. Counsel submits that the petitioner sent a legal notice dated 25.05.2022, Annexure P-2, to the official respondents, however, instead of acting on it, by impugned order dated 31.05.2022, Annexure P-3, license of the petitioner was cancelled. She has urged that the license was cancelled without issuing any show cause notice to the petitioner.

3. Reply by way of affidavit of District Controller, Food Civil Supplies and Consumer Affairs, Tarn Taran, has been filed on behalf of official respondents No.1 and 2, which is taken on record. On the basis of the response filed by the official respondents, State counsel could not dispute that no action-oriented notice was issued to the petitioner before passing of the impugned order. She, however, submits that the resolution, on which, the license has been issued to the petitioner was a forged document and a complaint, Annexure R-2, was received from the Gram Panchayat in this regard. She submits that as the petitioner had obtained the license on the basis of fictitious documents, the respondent authorities cancelled it.

4. I have heard counsel for the parties and considered their respective submissions.

5. One of the primary objectives of the principles of natural justice is issuance of a prior notice to a party against whom an order is passed entailing adverse consequences. It is evident from the material brought on the record that no show-cause notice has been issued to the petitioner as to why his license should not be cancelled as he had

obtained the license on fabricated document. Failure to issue notice to the petitioner to show cause before passing the impugned order has resulted in a breach of the principles of natural justice. As the order of cancellation of licence does not stand the test of legality, it cannot be sustained.

6. Accordingly, impugned order dated 31.05.2022, Annexure P-3, is quashed. However, it is directed that the respondent authorities shall examine the matter afresh and pass appropriate orders after following the procedure prescribed by the law. The necessary exercise be concluded by the official respondents within a period of 04 months from the date of communication of a copy of this order.

7. Petition is disposed of.

8. Pending application(s), if any, shall stand disposed of.

08.01.2024

sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No