



CWP-26429-2022

1

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

215

CWP-26429-2022 (O&M)
Date of Decision: 06.08.2024

Harbans Lal

... Petitioner

Vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sukhandeep Singh, Advocate for the petitioner.

Mr. Anil Bansal, DAG, Punjab

SUVIR SEHGAL, J. (ORAL)

1. By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner has approached this Court *inter alia* for issuance of a writ in the nature of certiorari for quashing orders dated 03.04.2019 and 12.05.2022, Annexures P-2 and P-8, respectively, passed by the respondent authorities under the Punjab Targeted Public Distribution System (Licencing & Control) Order, 2016 (for short “Order of 2016”).

2. Counsel for the petitioner submits that the petitioner had a licence under Order of 2016 and was running a ration depot at Distribution Centre, Gumtala District Amritsar, but due to a disturbed state of mind, by letter dated 20.01.2019, Annexure P-1, he requested for

**CWP-26429-2022****2**

the cancellation of the licence, which was accepted vide impugned order, Annexure P-2, by the District Controller, Food Civil Supplies and Consumer Affairs, Amritsar-respondent No.5. Counsel submits that the petitioner withdrew the request vide letter dated 06.02.2020, Annexure P-3, and filed an appeal before respondent No.3, however, the appeal was rejected vide impugned order Annexure P-8. Placing reliance upon the judgment dated 18.01.2023 passed by this Court in CWP No.266 of 2023, titled as ***Nirmaljit Kaur Versus State of Punjab and others***, he contends that respondent No.5 was not the officer authorized to cancel the licence under the Order of 2016.

3. Upon notice by this Court, writ petition has been contested by the respondents by filing a reply, wherein, it has been submitted that the petitioner had voluntarily sought cancellation of the licence. A stand has been taken that respondent No.5 was the licencing authority under the Order of 2016. However, State counsel could not dispute the judgment passed by a co-ordinate Bench of this Court in ***Nirmaljit Kaur's*** case cited (supra).

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

5. In ***Nirmaljit Kaur's*** case cited (supra), this Court passed the following order:-

“The challenge in these writ petitions filed in the nature of Certiorari is to the orders passed by District Controller Food, Civil Supplies and Consumer Affairs, Amritsar, (for short 'DFSC)

**CWP-26429-2022****3**

suspending the supply of Ration to the Depot of the petitioners, cancelling the licences of the Depot, cancelling the supply to the Depot and show cause notices issued for cancellation of Depot.

For the sake of convenience, the facts are being taken from CWP No. 266 of 2023.

The brief facts are that the petitioner-Smt. Nirmaljeet Kaur was allotted Depot. Jagdev Singh and others made complaint against Depot holder. In the enquiry conducted it was found that depot holder was supplying less than the stipulated quantity of wheat and behaving badly with consumers. The licence of Depot Holder was suspended. Aggrieved of that the present petition has been filed.

Learned State counsel submits that the orders are challenged on the ground that DFSC had no jurisdiction to pass orders. He has produced notification dated 5.1.2023 amending the Punjab Targeted Public Distribution System (Licensing and Control) order, 2016, whereby word "District Magistrate" has been substituted with "Licensing Authority". He further on instructions submits that in view of amendment the orders passed by DFSC cancelling/suspending the licences and show cause notices have been revoked and liberty is sought to pass a fresh order/issue show cause notices if need so arises.

In view of statement made by learned State counsel, the petitions are disposed of.



CWP-26429-2022

4

Needless to say that the respondents would be at liberty to proceed in accordance with law if need so arises.

Since the main cases have been disposed of, pending application, if any is rendered infructuous.

Photocopy of this order be placed on the files of other connected cases.”

6. From the above reproduction, it is apparent that the District Controller, respondent No.5, was not the authority competent to take action under the Order of 2016 and the power had been vested in the District Magistrate prior to the issuance of the notification dated 05.01.2023. As the impugned order, Annexure P-2 was passed by an officer who had no jurisdiction to do so, this Court is left with no option but to accept the prayer made in the petition.

7. Accordingly, writ petition is allowed. Orders, Annexures P-2 and P-8 are quashed. However, liberty is granted to the licensing authority to pass a fresh order in accordance with law.

8. It is clarified that this order would not imply an automatic revival of the license and the restoration of the licence of the petitioner would be dependent on the outcome of the final order to be passed by the licensing authority.

06.08.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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