

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12692-2024

Date of decision: 10.12.2025

SUBHASH CHANDER

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

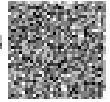
Present:- Mr. Ajay Kamboj, Advocate for the petitioner.

Mr. Rajiv Malhotra, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for setting aside the order dated 25.10.2021 (Annexure P-5) passed by respondent No.4, vide which the PDS licence of the petitioner was cancelled, as well as order dated 07.12.2022 (Annexure P-6) passed by respondent No.3, vide which the appeal filed by the petitioner was dismissed.

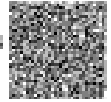
2. Learned counsel for the petitioner submitted that it is a case where the petitioner was holding a ration depot licence for the purpose of distribution of foodgrains under the PDS Scheme issued by the Government. He further submitted that on the basis of a complaint made by some co-villagers motivated by political vendetta, the ration depot licence of the petitioner was cancelled vide Annexure P-5 dated 25.10.2021. He further submitted that against the



aforesaid order, the petitioner preferred an appeal before the Deputy Commissioner, Sirsa, which was also dismissed vide Annexure P-6 dated 07.12.2022 and therefore, the present writ petition has been filed.

3. Learned counsel for the petitioner further submitted that the allegations levelled against the petitioner in the complaint were that he had not properly distributed the ration to the people and had unlawfully kept some foodgrains for himself. He submitted that a perusal of the impugned order passed by the District Food Civil Supplies and Consumer Affairs Controller, Sirsa, would show that the same is cryptic and not backed by any reason at all. When the petitioner filed an appeal before the Appellate Authority, the said Authority raised a specific query to the employee of the respondents as to how the petitioner could have obtained the thumb impressions of people on the POS machine because the allegations pertained to less distribution of foodgrains. He further submitted that in a licenced ration depot, a POS machine is installed and it is only after recording the thumb impressions of people to whom the foodgrains are to be distributed that the distribution is done and in the absence of such thumb impressions, foodgrains cannot be distributed but the allegation against the petitioner is that he after obtaining the thumb impressions did not distribute the ration to some of the card holders and names of six people were specifically mentioned regarding the same.

4. He further submitted that it is impossible that even after obtaining the thumb impressions, less amount of foodgrains is distributed since in a village it is not possible that a person will give his own thumb impression and receive less than the entitled ration. He prayed that in view of the above, both

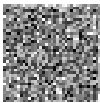


the aforesaid impugned orders being absolutely cryptic and arbitrary are therefore, liable to be set aside.

5. On the other hand, Mr. Rajiv Malhotra, DAG, Haryana submitted that the order passed by the Deputy Commissioner, Sirsa, would make it clear that the petitioner after obtaining the thumb impressions of some of the villagers mentioned in the order did not distribute ration to them and therefore, unlawfully kept the same for himself and that was the reason as to why his licence was cancelled and therefore, the aforesaid order is totally sustainable and the writ petition is liable to be dismissed.

6. I have heard the learned counsels for the parties and have also perused both the aforesaid impugned orders i.e. Annexure P-5 and Annexure P-6.

7. A perusal of the order dated 25.10.2021 (Annexure P-5) passed by the District Food Civil Supplies and Consumer Affairs Controller, Sirsa, who cancelled the licence of the petitioner would show that the order consists of only one page. The District Food Civil Supplies and Consumer Affairs Controller, Sirsa referred to the reply of the petitioner and observed that it was unsatisfactory and noted that as per the investigation report, irregularities had been committed by the petitioner and straightaway cancelled the ration depot licence of the petitioner. Such kind of approach adopted by the District Food Civil Supplies and Consumer Affairs Controller, Sirsa in passing an order cancelling the licence of the petitioner, thereby depriving the petitioner of his livelihood, is not appropriate. Whenever an order is to be passed by any authority, especially when it touches the right to livelihood of a person, at least



some reasons have to be recorded based upon record but a perusal of the aforesaid order would show that it is totally cryptic and unreasoned and such a practice adopted by the officers in passing such kind of orders is deprecated by this Court.

8. When the petitioner filed an appeal before the Appellate Authority, the Appellate Authority considered the issue with regard to the thumb impressions as to how the thumb impressions were recorded of the persons who were to be distributed ration, to which a perusal of the impugned order would show that the thumb impressions were given by the villagers themselves and thereafter only ration was distributed and it was on the basis of statements of six persons that they received less ration that the Appellate Authority dismissed the appeal. The aforesaid reasoning given by the Appellate Authority is improbable. It is not possible in a village that the villagers will give their thumb impressions for the purpose of distribution of ration and still they receive less ration. Therefore, the reasoning given by the Appellate Authority is not sustainable.

9. In view of the aforesaid facts and circumstances, the present writ petition is allowed. The impugned order dated 25.10.2021 (Annexure P-5) passed by the District Food Civil Supplies and Consumer Affairs Controller, Sirsa and the order dated 07.12.2022 (Annexure P-6) passed by the Deputy Commissioner, Sirsa, are hereby set aside.

10. However there shall be no order as to costs.

(JASGURPREET SINGH PURI)
JUDGE

10.12.2025
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No