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

CWP-14541-2018

Date of decision: 02.09.2025

MAHNDI HASSAN

...Petitioner(s)

VERSUS

DEPUTY COMMISSIONER, PANIPAT AND ORS.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Nitin Kaushal, Addl. A. G., 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 quashing the order dated 02.05.2018 (Annexure P-1) passed by respondent No.1-Deputy Commissioner, Panipat.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner along with other persons had made a complaint against respondent No.3-depot holder and consequently, the licence of respondent No.3 was cancelled by the District Food and Supply Controller, Panipat vide Annexure P-4 dated 22.12.2016, primarily on the ground of receiving complaints pertaining to non-supply of ration to the inhabitants of the village. He further submitted that thereafter, an appeal was filed by respondent No.3 and the same was allowed vide order dated 11.10.2017 (Annexure P-3) and the



matter was remanded back to the District Food and Supply Controller, Panipat. He further submitted that thereafter, when the matter again came up before the District Food and Supply Controller, Panipat, then vide Annexure P-2 the licence of respondent No.3 was once again cancelled with a specific finding that there was irregularity in distribution of ration and that respondent No.3-depot holder failed to produce the required stock/sale record, which is a flagrant violation of PDS Control Order, 2009 and he was found guilty.

3. Learned counsel for the petitioner further submitted that thereafter, another appeal was filed by respondent No.3 before the appellate authority and vide impugned order dated 02.05.2018 (Annexure P-1), the Deputy Commissioner, Panipat allowed the appeal solely on the ground that contradictory statements were made by two groups of persons from the village because the petitioner-complainant along with eight other persons filed affidavits against the depot holder while the depot holder submitted affidavits of another group stating that the ration was received on time and the reason for allowing the appeal was that the licence of respondent No.3 had been cancelled due to party politics in the village. He further submitted that the aforesaid order passed by the appellate authority vide Annexure P-1 did not discuss anything pertaining to the observation made by the District Food and Supply Controller, Panipat that the sale record was not produced by respondent No.3. He further submitted that in fact the sale record was destroyed by respondent No.3-depot holder and that was the reason as to why the same was not produced but the appellate authority did not even consider this aspect and solely on the ground that there was party politics in the village, allowed the appeal vide aforesaid impugned order and the grounds on the basis of which the licence was cancelled



by the District Food and Supply Controller, Panipat have not even been considered by the appellate authority and therefore, the aforesaid impugned order is illegal and erroneous and liable to be set aside.

4. Learned counsel for the petitioner further submitted that not only this, the petitioner was the main complainant but was neither heard nor called by the appellate authority before passing the impugned order and therefore, principles of natural justice have been violated in this regard and on that ground as well, the impugned order is liable to be set aside.

5. On the other hand, Mr. Nitin Kaushal, Addl. A. G., Haryana submitted that a perusal of the impugned order passed by the appellate authority vide Annexure P-1 would show that the aforesaid issue with regard to non-production of sale record has not been considered by the Deputy Commissioner, Panipat, who is the appellate authority.

6. After hearing the learned counsels for the parties and upon perusal of the orders passed vide Annexure P-2 to Annexure P-4 as well as the impugned order (Annexure P-1), it appears that when twice the licence of respondent No.3-depot holder was cancelled, it was primarily cancelled because of shortfall and non-distribution of food grains to the inhabitants of the village and also when the second cancellation order i.e. Annexure P-2 was passed, it was primarily on the ground of non-production of required stock/sale record. However, when the appellate authority decided the appeal vide Annexure P-1, the aforesaid issue of non-production of sale record was not even considered or discussed. The aforesaid ground that because of party politics in the village the licence has been cancelled is unfounded as the reason for cancellation given by the District Food and Supply Controller, Panipat has not been upset by the



appellate authority. Apart from that, once the petitioner is the complainant who had been pursuing the matter at all levels, he ought to have been heard at least by the appellate authority before passing the aforesaid impugned order, which has not been done in the present case and therefore, it was a case of violation of principles of natural justice.

7. So far as respondent No.3-depot holder is concerned, he was impleaded as a party in the present case and has already been served and rather it has been so reflected in the order dated 24.01.2019 that service is complete and one Counsel had also appeared on his behalf. However, he has neither appeared before this Court today nor filed any reply in the present case.

8. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 02.05.2018 (Annexure P-1) passed by respondent No.1-Deputy Commissioner, Panipat, is hereby set aside. The matter is remanded back to respondent No.1-Deputy Commissioner, Panipat to consider and decide the appeal afresh with fresh application of mind and uninfluenced by the earlier order passed vide Annexure P-1 as well as the present order passed by this Court. The appellate authority i.e. the Deputy Commissioner, Panipat shall consider and decide the appeal, within a period of three months from today, after affording an opportunity of hearing to all the stakeholders including the petitioner and strictly in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

02.09.2025
Chetan Thakur

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