



CWP-24077-2024

-1-

206

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

**CWP-24077-2024
Date of Decision: 18.08.2025**

Hemant Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Nitin Kaushal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 30.08.2024 (Annexure P-5) passed by respondent No.2 and the order dated 24.01.2024 (Annexure P-3) passed by respondent No.3 vide which the supply of the ration to the depot of the petitioner has been suspended with a further prayer to direct the respondents to stay the operation and effect of the impugned order dated 24.01.2024 and also direct the official respondent to restore the supply immediately.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner was holding a licence for the distribution of food grains from the year 2018 and subsequently, vide Annexure P-3, an order for suspension of the ration supply to the depot of the petitioner was passed by the District Food and Supply Controller, Sirsa on 24.01.2024 on the basis of some allegations made against the petitioner with regard to less quantity of some food grains. He further submitted that the aforesaid suspension order has

**CWP-24077-2024****-2-**

been passed for an unlimited period and no opportunity of hearing or any show cause notice was issued to the petitioner.

3. In this regard, learned counsel for the petitioner has referred to the provisions of Haryana Targeted Public Distribution System (Licensing and Control) Order, 2022 under which the aforesaid impugned order dated 24.01.2024 (Annexure P-3) was passed by the District Food and Supply Controller, Sirsa. While referring to the aforesaid provisions especially Clause 13(5) and 13(6) which have been annexed as Annexure P-6, he submitted that Clause 13(5) provides that the licensing authority has a power to suspend the licence of a fair price shop owner or dealer and it does not deal with any power to suspend the supplies. So far as Clause 13(6) is concerned, it specifically provides that if the supplies i.e. the allocation of quota to any licensee is to be withheld, then no prior show cause notice is required but the same is subject to the condition that it can be done only for a maximum period of sixty days pending enquiry or investigation against the licensee. He further submitted that in the present case by virtue of the aforesaid Clause 13(6), his quota of allocation being a licensee was suspended but for an unlimited period and no show cause notice or any opportunity of hearing was given to the petitioner and therefore, at the most, the same could have been done for a maximum period of sixty days and hence, on the face of it, the aforesaid impugned order dated 24.01.2024 (Annexure P-3) is liable to be set aside being contrary to Clause 13(6). He also submitted that an appeal which was filed against the order of suspension of supplies of food grains wherein the learned Appellate Authority has only reiterated and upheld the order passed by the District Food and Supply Controller, Sirsa and has not considered the aforesaid aspect. He submitted that in view of the above, both the orders passed by the District Food and Supply

**CWP-24077-2024****-3-**

Controller, Sirsa and the Appellate Authority are liable to be set aside being contrary to the aforesaid provisions of Clause 13(6) of the Haryana Targeted Public Distribution System (Licensing and Control) Order, 2022.

4. On the other hand, Mr. Nitin Kaushal, learned Addl. AG, Haryana has submitted that in the present case, there is no dispute that vide Annexure P-3 the supply of the ration to the depot of the petitioner was suspended and it therefore falls within the ambit of Clause 13(6). He further submitted that he has sought specific instructions to the extent that in the present case before passing of the impugned order dated 24.01.2024 (Annexure P-3), no show cause notice or any opportunity of hearing was given to the petitioner and also submitted that by virtue of the aforesaid Clause 13(6), the maximum period could be only upto sixty days in case no prior show cause notice is issued and so far as the suspension of supply of food grains is concerned, an action has been taken in the present case under Clause 13(6) regarding which there is no dispute.

5. I have heard the learned counsels for the parties.

6. The broad facts of the present case are not in dispute. Vide Annexure P-3, an order dated 24.01.2024 was passed by the District Food and Supply Controller, Sirsa by which the supplies to the depot of the petitioner being a licence holder was suspended. However, admittedly, no show cause notice or any opportunity of hearing was given to the petitioner. The relevant provisions of Clause 13(6) are reproduced as under:-

“13(6). No prior show cause notice shall be required for withholding the allocation of quota to any licensee for a period not exceeding sixty days pending enquiry or investigation against the licensee, if the licensing authority has reasons to believe that the



CWP-24077-2024

-4-

licensee has not maintained proper and correct accounts in respect of the quota allocated to him earlier or has illegally diverted or substituted the Targeted Public Distribution System stocks or committed any other irregularities.

7. A perusal of the aforesaid provision would show that it specifically so provides that no prior show cause notice will be required when there is a withholding of the allocation of the quota to any licensee for a period not exceeding sixty days. However, in the present case, impugned order (Annexure P-3) was passed by the District Food and Supply Controller, Sirsa for an unlimited period and that was passed in the year 2024. When it is an admitted position that no show cause notice or no opportunity of hearing was given to the petitioner then by virtue of aforesaid provisions of Clause 13(6), the same could not have been done for more than sixty days and therefore, in case the District Food and Supply Controller, Sirsa was to suspend the supplies to the depot of the petitioner, then in the absence of any show cause notice being given to the petitioner, the same was limited only to the extent of sixty days and could not have passed such an order for unlimited period and hence on the face of it the impugned order dated 24.01.2024 (Annexure P-3) is contrary to Clause 13(6) of the Haryana Targeted Public Distribution System (Licensing and Control) Order, 2022.

6. Since the appeal was filed against the aforesaid order and the Appellate Authority has only reiterated and upheld the order passed by the District Food and Supply Controller, Sirsa, the same is also not in accordance with law.

7. In view of the aforesaid facts and circumstances, the present petition is allowed and both the impugned orders dated 24.01.2024 (Annexure

P-3) and 30.08.2024 (Annexure P-5) are hereby set aside.

18.08.2025

Bhumika

1. Whether speaking/reasoned:

2. Whether reportable:

(JASGURPREET SINGH PURI)

JUDGE

Yes/No

Yes/No