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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3367-2026

Date of decision: 26.02.2026

MAHENDER SINGH ALIAS MAHENDER PAL

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

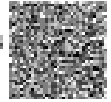
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Pradeep Chhoker, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

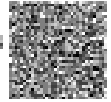
1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 17.11.2016 (Annexure P-5) passed by respondent No.3, whereby the licence of the petitioner was cancelled, as well as the impugned order dated 05.08.2025 (Annexure P-8) passed by respondent No.2, whereby the appeal filed by the petitioner was dismissed.

2. Learned counsel for the petitioner submitted that by way of the impugned order dated 17.11.2016 (Annexure P-5), the licensing authority i.e. the District Food and Supplies Controller, Jhajjar has cancelled the Public Distribution System (PDS) licence of the petitioner on the basis of various allegations levelled against him. He further submitted that although a show cause notice was issued to the petitioner, to which a reply was filed by him but



the aforesaid order was passed erroneously. He further submitted that rather on the other hand, various inhabitants of the village have filed affidavits in favour of the petitioner stating that he has not committed any embezzlement or wrongdoing but the said affidavits were not considered by the aforesaid authority and therefore, the impugned order is liable to be set aside. He further submitted that when the petitioner filed an appeal before the appellate authority, the same was dismissed on the ground that it was barred by limitation being filed after about nine years of passing of the impugned order by the licensing authority. He further submitted that in fact the aforesaid period of nine years can be justified in view of the fact that the petitioner had filed a civil suit for declaration and permanent injunction seeking setting aside of the order passed by the District Food and Supplies Controller, Jhajjar, which was dismissed vide judgment dated 18.05.2024 (Annexure P-6) and thereafter, the petitioner filed an appeal before the appellate authority i.e. Deputy Commissioner, Jhajjar and the same was also dismissed on the ground of limitation and in view of the above, the order passed by the appellate authority (Annexure P-8) is also liable to be set aside.

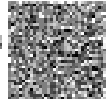
3. On the other hand, Mr. Udit Garg, Addl. A.G., Haryana submitted that he has received an advance copy of the present petition and has also sought instructions in the present case. He further submitted that the present petition is liable to be dismissed on the ground that the licensing authority has passed a detailed order on merits vide Annexure P-5 and has dealt with each and every allegation in detail and thereafter, concluded that the petitioner has violated the Haryana Public Distribution System Licence Control Order, 2009 and therefore,



the said order is perfectly in accordance with law. He further submitted that the mere fact that some inhabitants of the village have given affidavits to the contrary would not mean that the petitioner can be exonerated because of the aforesaid reason. He further submitted that so far as the order passed by the appellate authority is concerned, the petitioner filed the appeal after a period of about nine years and earlier the suit filed by the petitioner was rather dismissed. He referred to the aforesaid judgment passed by Civil Court vide Annexure P-6 to submit that although it was so mentioned in the judgment that remedy of appeal was there but the suit was dismissed on merits and therefore, the present petition is liable to be dismissed.

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

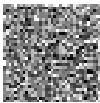
5. A perusal of the order passed by the licensing authority i.e. the District Food and Supplies Controller, Jhajjar vide Annexure P-5 would show that the Deputy Commissioner, Jhajjar had inspected the depot of the petitioner on 02.07.2016 and various irregularities were found. The details of the irregularities which were found are mentioned in the aforesaid order. Thereafter, on the basis of the inspection report, the allegations discussed after issuance of show cause notice and the reply of the petitioner, the PDS licence of the petitioner was cancelled. A further perusal of the order would show that even personal hearing was also granted to the petitioner on 16.11.2016. The argument which was raised by the learned counsel for the petitioner that various inhabitants of the village have given affidavits stating that the petitioner has not committed any irregularity cannot become a basis for setting aside the impugned order in view of the fact that if irregularities are proved, then that



itself becomes a ground for cancellation of licence and the mere fact that some persons have given affidavits in favour of the petitioner would not mean that irregularities which are proved get washed away and therefore, the aforesaid impugned order passed by the licensing authority does not show any infirmity or illegality.

6. So far as the order passed by the appellate authority i.e. the Deputy Commissioner, Jhajjar vide Annexure P-8 is concerned, a perusal of the same would show that there was a delay of about nine years in filing the appeal before the appellate authority. So far as the argument raised by the learned counsel for the petitioner while referring to the civil suit filed by the petitioner, which was dismissed on 18.05.2024 vide Annexure P-6 to be a ground of condonation or exclusion from the total period is concerned, the same is of no avail to the petitioner because it is a settled law that the provisions of Limitation Act would not apply to quasi-judicial authorities. Even otherwise also, a perusal of the judgment passed in the civil suit vide Annexure P-6 would show that the same has been dismissed and the operative part at paragraph No.24 shows that the suit has been dismissed and it does not state that it is dismissed on the ground of maintainability, although in the earlier paragraphs of the judgment, the aforesaid issue has been discussed. Be that as it may, the appeal was filed by the petitioner after a delay of about nine years and the appellate authority dismissed the appeal not only on the ground of being time barred but also of being meritless by upholding the observations made by the licensing authority.

7. In view of the aforesaid facts and circumstances, this Court is of the considered view that there is no illegality or infirmity in the impugned



orders passed vide Annexure P-5 and Annexure P-8. The observations which have been made by the licensing authority in the impugned order vide Annexure P-5 are based on the facts of the case and this Court under Article 226 of the Constitution of India cannot go into such disputed questions of fact unless some perversity is shown in the order, which has not been shown.

8. Consequently, the present Civil Writ Petition being devoid of any merit, is hereby dismissed.

26.02.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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