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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7538-2026

Date of decision: 09.04.2026

NARESH KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

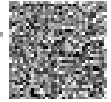
Present:- Mr. Jagdeep Singh Rana, Advocate,
Mr. Arvind K. Bangar, Advocate,
Mr. Lokendra Singh, Advocate and
Mr. Arpit K. Bangar, Advocate
for the petitioner.

Mr. Udit Garg, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

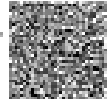
1. The present Civil Writ Petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 23.01.2025 (Annexure P-7), whereby the appeal of the petitioner has been dismissed and the impugned order dated 17.10.2023 (Annexure P-4), whereby the ration supply of the petitioner has been suspended.

2. Learned counsel for the petitioner submitted that the petitioner is holding a ration depot licence and by way of the impugned order dated 17.10.2023 (Annexure P-4), the District Food, Civil Supplies and Consumer Affairs Controller, Yamuna Nagar, has suspended the supplies of the petitioner



for an indefinite period and it has been so directed that the suspension will be operative till the decision of the FIR registered against him. He further submitted that the aforesaid order (Annexure P-4) which has been passed by the licensing authority is dated 17.10.2023 and almost 2½ years have elapsed after the aforesaid order has been passed and the criminal trial is still in progress and it is uncertain as to when it will conclude. He further submitted that even otherwise also, the mere fact that the petitioner is facing a criminal trial would not mean that his supplies can be suspended for an indefinite period. He further submitted that it is a different matter that further action can be taken with regard to the licence of the petitioner as to whether it should be continued or not based upon a separate inquiry which can be instituted but the mere fact that there is pendency of a criminal trial against the petitioner is no ground for indefinite suspension of supplies. He also submitted that when the petitioner filed an appeal before the appellate authority i.e. the Deputy Commissioner, Yamunanagar, the same was dismissed vide order dated 23.01.2025 (Annexure P-7) without recording any cogent reason and rather no reason was assigned by the appellate authority except for observing that there is a criminal case pending against the petitioner and therefore, the order passed by the appellate authority being non-speaking and cryptic, is liable to be set aside.

3. Learned counsel for the petitioner submitted that by way of the impugned order passed by the District Food, Civil Supplies and Consumer Affairs Controller, Yamuna Nagar vide Annexure P-4, proceedings were also undertaken in the same order against one Amandeep, who filed a writ petition before this Court bearing No.CWP-7758-2024, which was partly allowed by

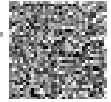


this Court vide judgment dated 25.08.2025 (Annexure P-8) and the matter was remanded back to the appellate authority to pass a fresh and well-reasoned order. He also submitted that in the present case as well, the matter may be remanded back to the appellate authority to pass a fresh order in accordance with law.

4. On the other hand, Mr. Udit Garg, Addl. A.G., Haryana, submitted that he has instructions to state that there is no dispute that the aforesaid person, namely, Amandeep, was also proceeded against under the same order (Annexure P-4) and his appeal was dismissed and that this Court vide aforesaid judgment (Annexure P-8) had set aside the order passed by the appellate authority on the ground that it was non-speaking and cryptic and the matter has now been remanded back to the appellate authority in the aforesaid case of Amandeep. He further submitted that the facts and circumstances of the present case are different from that of the aforesaid Amandeep. He also submitted that after the suspension order (Annexure P-4) was passed, which was operative until the decision of the criminal case against the petitioner, a show cause notice was issued to the petitioner as to why his licence should not be cancelled, which is still pending.

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

6. The issue involved in the present case is as to whether the supplies of a depot holder can be suspended for an indefinite period or until any criminal case pending against the petitioner is decided. There is no doubt that the competent authorities within their wisdom can exercise their powers but such exercise can be done only in a reasonable manner and not in an arbitrary

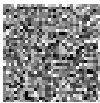


manner. Almost 2½ years have elapsed after the suspension of supplies to the petitioner and it was thereafter that a show cause notice was issued to him as to why his licence should not be cancelled but the said show cause notice is still pending. It is also not doubtful that the competent authority can exercise its powers in accordance with law to consider whether the licence should be cancelled or not but at the same time, it is not appropriate for the licensing authority to suspend the supplies of a depot holder for a period of almost 2½ years, as in the present case. It definitely affects the right to livelihood of a citizen of India and would therefore infringe Article 21 of the Constitution of India. It is not a case that the powers of the competent authority are under any doubt but it is the exercise of powers which is arbitrary in the present case.

7. A perusal of the order passed by the appellate authority vide Annexure P-7 would show that the Deputy Commissioner, Yamunanagar only affirmed the order passed by the licensing authority and therefore, the order passed by the appellate authority is also a non-speaking order.

8. This Court is of the considered view that the case of the petitioner is at parity with that of the aforesaid Amandeep, in whose case the order passed by the appellate authority was set aside and the matter was remanded back to the appellate authority.

9. In view of the aforesaid facts and circumstances, the present Civil Writ Petition is partly allowed. The impugned order dated 23.01.2025 (Annexure P-7) passed by the appellate authority i.e. the Deputy Commissioner, Yamunanagar, is hereby set aside. The matter is remanded back to the appellate authority to pass a fresh and reasoned order after giving adequate opportunity of



hearing to the petitioner or his counsel. It is made clear that the fresh order shall be passed with due application of mind and uninfluenced by the earlier order passed vide Annexure P-7 as well as the present order passed by this Court as this Court has not observed anything on the merits of the case. The fresh order shall be passed by the appellate authority, within a period of two months from today, strictly in accordance with law. Needless to say, the fact that the supplies to the depot of the petitioner have been suspended for almost 2½ years shall also be kept in mind by the appellate authority at the time of decision.

09.04.2026
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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