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

**CWP-27773-2023
Date of Decision: 16.02.2026**

Niyaj Mohammad

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Udit Garg, 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, order or direction in the nature of *certiorari* for setting aside the impugned order dated 27.12.2022 (Annexure P-1) as well as the order dated 11.07.2023 (Annexure P-3) vide which the licence of the depot of the petitioner was cancelled and thereafter, an appeal was filed by the petitioner which was also dismissed.

2. Learned counsel for the petitioner submitted that the petitioner was a depot holder for distribution of ration at Village Siroli, Tehsil Puunhana, District Nuh (Haryana) and had been carrying out his work of distributing ration in a proper manner. However, various complaints were made against the petitioner and on the basis of the said complaints, the District Food, Civil Supplies and Consumer Affairs Controller, Nuh has cancelled the licence of the petitioner vide impugned order dated 27.12.2022 (Annexure P-1). He further submitted that when the petitioner preferred an appeal against the aforesaid order, the same was also dismissed by the

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Appellate Authority. He submitted that both the aforesaid orders are challenged in the present writ petition.

3. Learned counsel further submitted that the orders passed by both the authorities are perverse in view of the fact that during the enquiry proceedings, the statements of not only the complainants were recorded but also the statements of about 24 BPL/OPH Card holders were recorded which were in favour of the petitioner but the same were not even referred to in the impugned orders. He also submitted that rather another enquiry was conducted pertaining to the petitioner in which he was given a clean chit but this fact has also not been mentioned in the reply filed on behalf of the respondents and therefore, both the orders are liable to be set aside.

4. On the other hand, Mr. Udit Garg, learned Addl. AG, Haryana, submitted that in pursuance of the order passed by this Court on 09.01.2026, an affidavit dated 05.02.2026 has been filed by the District Food, Civil Supply and Consumer Affairs Controller, District Nuh whereby the action taken by the respondents has been justified and the query raised by this Court vide the aforesaid order dated 09.01.2026 has also been answered in the aforesaid affidavit. He further submitted that although some persons in the village had supported the petitioner but it does not mean that the petitioner can be exonerated when the complaints have been filed and proved against him. He submitted that even if one complaint is proved against the petitioner that itself becomes sufficient ground for taking action against the depot holder because the duty of the depot holder is to properly distribute the ration amongst the licence holders. To the other argument raised by learned counsel for the petitioner, it was submitted by learned State Counsel while referring to the aforesaid affidavit that no enquiry was

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conducted in which the petitioner was given a clean chit and therefore, the present petition is liable to be dismissed. He also submitted that both the orders are well reasoned order and on this ground as well, the present petition is liable to be dismissed.

5. I have heard learned counsels for the parties.

6. A perusal of the order dated 27.12.2022 passed by the District Food, Civil Supplies and Consumer Affairs Controller, Nuh (Annexure P-1) would show that there were complaints against the petitioner and an enquiry was conducted in this regard in which it was found that 12 BPL/OPH card holders recorded their collective statements that they got less quantity of ration from the depot of the petitioner whereas double wheat is being given by the Government. A show-cause notice was issued to the petitioner on 06.07.2022 and he replied to the same. He was also afforded an opportunity of personal hearing by the District Food, Civil Supplies and Consumer Affairs Controller, Nuh. It was also found that out of 12 ration cardholders, who had got recorded their statements at the time of investigation, 11 ration cardholders were registered with the petitioner himself. At the time of hearing, the petitioner and the complainant also appeared and told that he himself has made his BPL Ration Card in the name of the petitioner in which fake units have been issued by him. The District Food, Civil Supplies and Consumer Affairs Controller, Nuh on the basis of reviewing the online record of the depot holder's ration card observed that it has been found that the petitioner has made his own B.P.L. Card, in which, it is marked at Serial No.6. In this way, the Controller has cancelled the licence of the depot of the petitioner.

7. Thereafter, the petitioner filed an appeal before the Appellate

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Authority, who also considered the facts of the matter especially the aforesaid issue that the petitioner himself had obtained his own B.P.L. Card made and irregularities were found in the distribution of ration by the petitioner. The appeal was accordingly dismissed.

8. This Court on 09.01.2026 granted more time to the State to file affidavit on the basis of submissions made by learned counsel for the petitioner and also stayed the operation of the impugned orders (Annexures P-1 & P-3). Thereafter, an affidavit was filed by the District Food, Civil Supplies and Consumer Affairs Controller, Nuh dated 05.02.2026, in which it has been explained that there were affidavits/statements of approximately 50 ration card holders which were received during the official enquiry and out of these, 26 ration card holders have clearly reflected consistent complaints of short-supply and non-supply of food grains, whereas 24 ration card holders had no issue with regard to the services of the petitioner. It has been further stated in the affidavit that the complaints of 26 card holders against the petitioner constitute sufficient ground and even a single complaint is enough to cancel the licence of depot of the petitioner. It was furthermore stated in the affidavit that the petitioner was afforded adequate opportunity during the enquiry proceedings to submit his explanation and that the petitioner being a fair price shop dealer, holds a position of public trust and even a single proven instance of irregularity affecting the beneficiaries from economically weaker sections is sufficient to warrant strict action against the petitioner under the Haryana Targetted Public Distribution System (TPDS). A further perusal of the aforesaid affidavit would show that it has been categorically stated by the District Food, Civil Supplies and Consumer Affairs Controller that neither any other enquiry was

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ever conducted in relation to the present matter nor the petitioner was given any clean chit.

9. A perusal of the aforesaid affidavit would show that both the arguments raised by learned counsel for the petitioner are misconceived. The mere fact that some villagers have given affidavits in favour of the petitioner would not mean that the complaints which have been proved against the petitioner would become meaningless. When it was found by the authorities that the petitioner had indulged in irregularities based on the affidavits filed by 26 ration card holders and had also obtained a BPL card in his own name, which formed the basis for the cancellation of his licence, then this Court will not substitute its own opinion for the findings of the authorities below.

10. The second argument which was raised by learned counsel for the petitioner with regard to giving of clean chit during the enquiry proceedings, the same has also been clarified by the Controller by specifically stating in Paragraph No.11 of the affidavit that the petitioner was neither given any clean chit nor any other enquiry was ever conducted in relation to the present matter and therefore, this argument raised by learned counsel for the petitioner is also misconceived.

11. This Court is therefore of the considered view that there is no illegality or perversity can be found in the impugned orders (Annexures P-1 & P-3) passed by both the authorities below. Consequently, the present petition is devoid of merit and is hereby dismissed.

16.02.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No