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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6493-2021 (O&M)
Date of Decision:20.08.2025

Kanwar Pal

....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Nitin Kaushal, Addl. AG, Haryana.

Mr. Ravinder Rana, Advocate,
for respondent No.4.

JASGURPREET SINGH PURI, J. (Oral)

1. The petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 10.03.2021 (Annexure P-3) passed by respondent No.2 and for upholding the order dated 26.10.2020 (Annexure P-1) passed by respondent No.3 vide which the licence of the Depot of respondent No.4 has been cancelled.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was the complainant who had filed a complaint to the concerned Food Civil Supplies Department regarding the working and non-supply of ration by respondent No.4, who was licence holder of the ration depot and therefore, he has the *locus standi* to file the present petition in this regard



and his *locus standi* has already been established vide order dated 29.06.2021. He submitted that it is a case where on the basis of the complaint filed by the complainant, an inquiry was conducted and on the basis of the inquiry, the learned District Food Civil Supplies and Consumer Affairs Controller, Karnal, vide order dated 26.10.2020, cancelled the licence of respondent No.4. Thereafter, respondent No.4 filed an appeal before the learned Collector-cum-Deputy Commissioner, Karnal, who allowed the appeal vide order dated 10.03.2021 (Annexure P-3). He submitted that in the aforesaid appellate order it has been so observed that the Inspector Food and Supply, Assandh, during the inquiry had recorded the statements of the ration card holders whereby they have stated that they have no complaint against the depot holder and they are receiving the ration as per the instructions issued by the Government and on a perusal of the file, it was also found that the Inspector Food and Supply, Assandh during inquiry did not conduct any preliminary inquiry from which it is clear that the inquiry as per the prescribed manner was not conducted by the Inspector Food and Supply, Assandh and the inquiry conducted by him cannot be believed and therefore, on that basis, the order passed by the District Food Civil Supplies and Consumer Affairs Controller was set aside and the aforesaid supplies were restored to respondent No.4. He submitted that there was a contradictory stand taken by the respondents because as per the appellate order, there was no complaint with regard to the depot holder and as per the reply which has been filed by the State, it has been stated that on the basis of the complaints, the licence was cancelled and the supplies were discontinued and therefore, the impugned order passed by the appellate authority is liable to be set aside.

3. On the other hand, Mr. Nitin Kaushal, learned Additional Advocate General, Haryana while referring to the reply filed by the State



submitted that in the preliminary objections a narration of facts has been given and in the narration of facts it has been stated that when the matter was before the Controller, on the basis of the complaints made, the licence was cancelled and therefore it would not mean that there was any contradiction between the order passed by the appellate authority and the reply filed by the State and therefore, the aforesaid argument raised by the learned counsel for the petitioner is totally misconceived. He submitted that as per the orders passed by the learned Appellate Authority, the supplies were restored to respondent No.4 because there was no further complaint against respondent No.4 as per the report of the Inspector Food and Supply, Assandh and therefore, the present petition is liable to be dismissed.

4. Learned counsel appearing on behalf of respondent No.4 has also adopted the arguments of the learned State counsel and also submitted that the petitioner has placed on record some additional affidavits but those affidavits do not support the case of the petitioner because the same cannot be gone into in the present writ petition. He further submitted that vide order dated 29.06.2021, the operation of the impugned order was stayed and in this way, for the last about four years, he is deprived of his livelihood and submitted that considering the aforesaid facts and circumstances, the present petition may be dismissed and the stay order may be vacated.

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

6. On the basis of the complaint made by the petitioner, the licence of respondent No.4 was cancelled on the ground that some complaints were received with regard to the discrepancies in ration supply to public. However, on appeal being filed by respondent No.4, the order passed by the District Food Civil Supplies and Consumer Affairs Controller was set aside by observing that there was no such complaint and reference was also made to the



inquiry conducted by the Inspector Food and Supply, Assandh. The counsel for the petitioner has also referred to some of the affidavits which he has filed later with regard to various complaints.

7. Learned counsel for the petitioner has raised an argument that there was a contradiction between the impugned appellate order and the reply filed by the State. However, this Court is of the considered view that there is no contradiction between the same because as per the appellate order, the order passed by the District Food Civil Supplies and Consumer Affairs Controller was set aside by giving a reasoning but as per the reply filed by the State, the preliminary objections so referred to by the learned counsel for the petitioner, it is only narration of facts and therefore, it cannot be said that there is any material contradiction between the same.

8. Be that as it may, the dispute in the present case is pertaining to whether there were any complaints or not and what was the nature of the complaints and what action ought to have been taken. It was the case of the counsel for the petitioner that there were a number of complaints whereas the order has been set aside by way of the impugned order on a different footing. This Court is of the considered view that all these aspects are totally disputed questions of fact which cannot be gone into by way of invoking the provisions of Article 226 of the Constitution of India. These being purely disputed questions of facts regarding the complaints, this Court does not deem it fit and proper to interfere and therefore, the present petition is dismissed. The interim order dated 29.06.2021 is hereby vacated.

20.08.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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