

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 12711/2026
CNR: RJHC010571802026 | URN: CW / 23153U / 2026

Ramu Ram S/o Sh. Padma Ram, Aged About 50 Years, Resident
Of Sardar Singh Ki Dhani, Bhaniyana, District Jaisalmer (Raj.).

-----Petitioner

Versus

- State Of Rajasthan, Through The Principal Secretary To
The Government, Department Of Food And Civil Supplies
Govt. Of Rajasthan, Secretariat, Jaipur.
- District Supply Officer, Jaisalmer.

-----Respondents

For Petitioner(s)	:	Mr. Harish Purohit Mr. Ikbal Khan
For Respondent(s)	:	Mr. Samir Shrimali, GC

JUSTICE ANOOP KUMAR DHAND

Order

05/08/2026

- Aggrieved by the impugned order dated 30.12.2025 passed
by the District Supply Officer, Jaisalmer, the petitioner has
approached this Court by way of filing the instant petition.
- Learned counsel for the petitioner submits that the petitioner
is running a Fair Price Shop situated at Sardar Singh Ki Dhani,
Bhaniyana, Jaisalmer. A show cause notice dated 05.06.2025 was
issued to the petitioner by the District Supply Officer, Jaisalmer
alleging therein that certain irregularities had been found during
the inspection of his aforesaid Fair Price Shop and the petitioner
was called upon to submit his explanation as to why appropriate
action should not be taken against him.

3. Counsel further submits that the aforesaid show cause notice did not specifically mention that, in the case, petitioner fails to submit a satisfactory reply, then his authorization letter to run Fair price shop would be cancelled. It is further submitted that the respondents have passed the impugned order cancelling the petitioner's authorization to run fair price shop, without assigning any justified reasons and a non-speaking order has been passed. Therefore, interference of this Court is warranted.

4. Per contra, learned counsel for the respondents opposed the prayer and submitted that by way of the show cause notice itself, certain reasons were assigned as to the irregularities found during the inspection of the petitioner's fair price shop. The petitioner was afforded an opportunity to submit his reply, which he did. Thereafter, after considering the facts and circumstances of the case along with the petitioner's explanation, the competent authority took the decision to cancel the petitioner's authorization letter to run fair price shop. It is, therefore, submitted that no interference by this Court is warranted and the instant petition is liable to be rejected.

5. A perusal of the record as well as Clause 8 of the **Rajasthan Foodgrains and Other Essential Articles (Regulation of Distribution) Order, 1976**, (for short, 'the Order of 1976) which deals with the power of the competent authorities to suspend or cancel the authorization of a Fair Price Shop dealer and the same is reproduced hereinunder:-

"8. Power of suspend and cancel the authorization :-

(1) If an authorization holder or his agent or servant or any other person acting on his behalf

contravenes any provision of this Order and condition of authorization, then without prejudice to any other action that may be taken against him under the Essential Commodities Act, 1955 (Central Act 10 of 1955) his authorization may be suspended or cancelled by an order in writing of the Collector or any other officer authorized by the State Government and an entry shall be made in his authorization relating to such suspension or cancellation.

(2) No order of cancellation shall be made under this order unless the authorization holder has been given a reasonable opportunity of stating his case against the proposed cancellation but during the pendency or in contemplation of proceedings of cancellation of authorization, the authorization can be suspended for a period of not exceeding 90 days without giving any opportunity to the authorization holder of stating his case."

6. Sub-clause (2) of Clause 8 of the Order of 1976 indicates that no order of cancellation shall be passed unless the authorization holder has been afforded a reasonable opportunity of hearing and stating his case against the proposed cancellation. This fact is not disputed that the show cause notice does not specifically state that, in the event of the petitioner's fails to submit a satisfactory explanation, his authorization would be cancelled. The petitioner was not made aware that in case the petitioner fails to submits a satisfactory reply to the aforesaid show cause notice, his authorization would be cancelled.

7. Even otherwise also, perusal of the impugned order indicates that no reasons have been assigned by the respondents for cancellation of the petitioner's authorization letter to run fair price shop. The respondents, vide the impugned order, have simply stated that there were violation of conditions Nos.1, 8, 9, 10, 13 and 18 of the authorization letter, without discussing the material

on record or assigning reasons in support of the findings. In the considered opinion of this Court, the respondent - competent authority was supposed to pass a reasoned and speaking order reflecting due application of mind. Since the impugned order is not a reasoned order, the same cannot be sustained in the eyes of law and is liable to be quashed and set aside.

8. Accordingly, the impugned order dated 30.12.2025 passed by the District Supply Officer, Jaisalmer is quashed and set aside. The matter is remitted back to the District Supply Officer, Jaisalmer, to pass a fresh order after issuing a show cause notice to the petitioner in terms of the Rule 8(2) of the Order, 1976, within a period of seven days from the date of receipt of certified copy of this order. Thereafter, the District Supply Officer, Jaisalmer shall pass a fresh reasoned and speaking order after considering the petitioner's reply and giving him a due opportunity of stating his case, in accordance with law, within a period of four weeks.

9. With the aforesaid observations and directions, the present writ petition stands disposed of.

(ANOOP KUMAR DHAND),J