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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C) 211/2010 & CM APPL 443/2010

MOHD SALEEM AND CO

..... Petitioner

Through: Mr. Mohd. Ikram, Advocate

versus

DELHI AGRICULTURAL MARKETING BOARD

AND ANR

..... Respondents

Through: Mr. Rajesh Gupta with Mr. Harpreet Singh,
Advocate for R-3

Mr. Nitesh Kumar Singh, Advocate for Ms. Avnish
Ahlawat, Advocate for R-1 & 2.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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07.10.2010

1. The Petitioner is aggrieved by an order dated 22nd January 2009 passed by the Appellate Committee of the Agricultural Produce Marketing Committee ('APMC') rejecting his appeal against the suspension of his licence. The Petitioner also challenges an order dated 29th July 2009 passed by the APMC stating that no second appeal would lie against the decision dated 22nd January 2009.

2. This Court has heard the submissions of learned counsel for the parties.

3. The dispute is about the ownership of a shop No. C-629, New Subzi Mandi, Azadpur, New Delhi. The Petitioner claims to have purchased it from one Smt. Sheela Devi on 26th October 1995. Smt. Sheela Devi is supposed to have been gifted the shop by its original owner Shri Ajudhya Prashad on 10th

August 1977. On the basis of the title information claimed by the Petitioner, the APMC granted him 'A' and 'B' category licence for carrying on the business of a fruit merchant.

4. In 2001, the Respondent No. 3 Shri Harish Kumar Mangal, the grandson of late Shri Ajudhya Prashad claimed to be the owner of the shop. This led to a civil suit, CS (OS) 655 of 2003 being filed in this Court by Shri Mangal against the Petitioner for a declaration, injunction and possession. Issues were framed in the said suit on 14th December 2005. One issue was whether in fact the shop was transferred to the Petitioner for valuable consideration by Smt. Sheela Devi, her sons and daughters. Another was whether Shri Ajudhya Prashad in fact gifted the shop to Smt. Sheela Devi and put her in possession thereof.

5. As far as the Respondent No. 3 is concerned, he claimed valid title to the shop under a Will executed by Shri Ajudhya Prashad. He got mutation of the shop in his favour in the records of the Delhi Development Authority ('DDA'). Subsequently, a conveyance deed was also executed in his favour granting him freehold rights.

6. Before the APMC, the position was that the Petitioner could not produce any original title deeds in respect of the shop in question whereas Respondent No. 3 could demonstrate that in the records of the APMC the shop has been shown in his name and that it had been mutated in his name in the DDA's records. Shri Mangal also produced original records relating to the allotment of the shop in the name of Shri Darshan Lal, his father, and therefore, the

Respondent No.3. Despite various notices, the Petitioner could not produce any documents of ownership. In the circumstances, APMC by the impugned order dated 22nd January 2009 confirmed the suspension of the Petitioner's licence.

7. This Court is unable to find any illegality in the impugned orders of the APMC. The question whether the Petitioner had acquired the valid title to the shop in question has been framed in CS (OS) 655 of 2003 and will be decided in those proceedings. The APMC was justified in demanding the Petitioner to produce the necessary documentation to prove his title. The claim of the Respondent No. 3 on the basis of the documents produced by him was found to be stronger. In the circumstances, it is not possible for this Court to hold that APMC acted arbitrarily and unreasonably in deciding to suspend the Petitioner's licence.

8. The decision dated 29th July 2009 of the APMC rejecting the second appeal of the Petitioner is also neither arbitrary nor illegal.

9. For all the aforementioned reasons this Court does not find any merit in this petition and it is dismissed as such. The pending application also stands dismissed. The interim order dated 14th January 2010 stands vacated.

S. MURALIDHAR, J

OCTOBER 07, 2010
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