

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

**CWP No.10116 of 2015
Date of decision: 20.5.2015**

M/s Radhey Lal Rohtas Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr.Rajesh Lamba, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner impugns the order dated 5.12.2014, Annexure P.8 vide which its application for consideration in the draw of lots for allotment of plot has been cancelled.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner firm is operating from Old Grain Market Shop No.4/139, Faridabad. Its licence has been renewed upto 31.3.2016 by the Licensing authority – Respondent No.3 on deposit of requisite fee. The petitioner had been operating alongwith other *kacha arhtias* in Old Grain Market, Faridabad. The rules known as Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000 (in short, “the Rules”) for plot allotment were issued by the Haryana State Agricultural Marketing Board and Market Committee. The

plots were to be allotted on preferential basis on allotment price to the old licencees of category 2. The petitioner is also having a second category licence. According to the petitioner, without any publication in the local newspapers or munadi or any other public information system, Respondent No.2 issued letter dated 6.8.2014, Annexure P.3 to Respondent No.3 for allotment of shops to eligible old licencees of category 2 in new Fruit/Vegetable/Grain Market, Faridabad. The schedule was fixed. The date of draw of plots was fixed to be 30.9.2014. As per letter Annexure P.3, the old licencees were to be informed for inviting their applications on Form A on 8.8.2014. The petitioner was never informed about the same. Although the petitioner was out of station but its staff was also not informed about inviting the applications on Form 'A'. The old licencees had to deposit their applications on Form A on 19.8.2014. Since the petitioner was not informed about the same, the necessary formalities were not made by the petitioner firm. Respondent No.3 issued letters to 11 firms to appear on the date of draw of lots i.e. 30.9.2014 and since the petitioner was not informed about depositing the relevant information on Form A, its name did not find mention in the letter dated 26.9.2014, Annexure P.5 issued by Respondent No.3. According to the petitioner, another draw of lots took place on 29.10.2014 whereby allotment was made to three firms namely, M/s Radhey Mal Ram Lal, Kishori Lal Murari Lal and Jawala Dass Kashi Ram. The petitioner immediately submitted an application dated 29.10.2014, Annexure P.6 to the office of Respondent No.3 which was received on 30.10.2014. The petitioner thereafter again submitted an application on 26.11.2014, Annexure P.7. Respondent No.3 did not pass any order on the application dated 29.10.2014 but considered the application dated

26.11.2014 and passed the order dated 5.12.2014, Annexure P.8 that since no application was submitted by the petitioner firm, the case of the petitioner had not been considered in the draw of lots on 30.9.2014. Hence the instant writ petition.

3. Learned counsel for the petitioner submitted that no information was given to the petitioner as required by letter dated 6.8.2014, Annexure P.3. No publication in the newspaper was given.

4. We have heard learned counsel for the petitioner.

5. A perusal of the impugned order dated 5.12.2014, Annexure P.8 shows that the date fixed for draw of lots was 30.9.2014. Vide letter dated 6.8.2014, Annexure P.3 issued by the Board, all the *kacha arhtias* were informed to submit their applications for allotment of plots on Form A by 19.8.2014. The Schedule fixed vide Annexure P.3 was as under:-

1	Date of informing the old licensees for inviting their applications on form 'A'	8.8.2014
2.	Date by which the old licensees of category (ii) shall submit their application on form 'A'	19.8.2014
3.	Scrutiny of documents by the committee by	25.8.2014
4.	Date of fixing the eligibility of old licensees of category (ii) who will participate in the draw of lots.	29.8.2014
5.	Date by which E.O.cum-Secretary, Market Committee will exhibit the list of eligible old licensees.	11.9.2014
6.	Date by which the old licensee may file his objections in writing against the dispute regarding eligibility fixed by the Allotment Committee.	18.9.2014
7.	The date by which the Allotment Committee will pass detailed speaking orders in respect of ineligible candidates/firms.	26.9.2014
8.	Date of draw of lots	30.9.2014

It was upto the petitioner to update itself about the latest information. It did not submit its application by the due date. Further, a perusal of letter dated 26.11.2014 (Annexure P.7) clearly shows that the petitioner was away to Bangalore from 5.8.2014 to 15.10.2014. In such circumstances, since the draw of lots was held on 30.9.2014 and the petitioner submitted its application on 26.11.2014 i.e. beyond the notified date, no relief can be granted to him as prayed. Still further, learned counsel for the petitioner has not been able to produce any material on record to substantiate the averments made in para 16 of the writ petition relating to allotments made on 29.10.2014 in cases where the application forms had been submitted beyond the prescribed date. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

May 20, 2015
'gs'

(Rekha Mittal)
Judge