

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14244 of 2015

Date of Decision:- 22.09.2015.

M/s Sharma Fruit Company Bhawanigarh and others

.....Petitioners

Versus

Administrator, New Mandi Township, Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. K.S. Chahal, Advocate for
Mr. Bir Davinder Singh, Advocate for
the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Simranjeet Singh, Advocate for
respondent Nos.2 and 3.

SURYA KANT, J. (ORAL)

1.) The petitioners claim themselves to be the old licensees in the area of Market Committee of Bhawanigarh, Tehsil and District Sangrur. They have approached this Court seeking a writ of prohibition against auctioning of the plots in the newly set up Vegetable Market at Bhawanigarh. Since interim stay was declined, the auction has meanwhile taken place, rendering the principal relief

sought in this writ petition as infructuous.

2.) Nevertheless, it appears that the Authorities are obligated to perform their quasi-judicial duties under the Punjab Agricultural Produce Markets Act, 1961 read with Punjab State Agricultural Marketing Board (Sale & Transfer of Plots) Rules, 1999 (for short '1999 Rules') as amended in the year 2008 whereunder an old licensee who is uprooted from a notified market area, is entitled to be allotted a plot/site on concessional rate in the newly notified market area. Such old licensee is required to fulfill the eligibility criteria as prescribed in Rule 3 of the 1999 Rules.

3.) Notwithstanding the stand taken by the respondents in the written statement opposing the petitioners' claim, it would be in the interest of justice that their individual claims are considered and decided by the Prescribed Authority.

4.) We, thus, dispose of this writ petition with liberty to the petitioners to approach the Secretary of the Mandi Board who shall then consider and decide their claims in accordance with the above-mentioned Statute and Rules as early as possible and preferably within four months from the date of submission of such claims.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

September 22, 2015.

sandeep sethi