IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Civil Writ Petition No.19698 of 2015
Date of Decision: October 08, 2015

M/s Madan Lal Ajay Kumar ....Petitioner

versus

State of Punjab and others .....Respondents

[2] Civil Writ Petition No.19701 of 2015

M/s Satish Kumar Rajinder Kumar ....Petitioner

versus

State of Punjab and others .....Respondents

[3] Civil Writ Petition No.19702 of 2015

M/s Anil Lamon Company ....Petitioner

versus

State of Punjab and others .....Respondents

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

Present: Mr.Naresh Jain, Advocate, for the petitioner(s)

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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?

Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.19698, 19701 and 19702 of 2015 as common questions of law and facts are involved in these cases. For brevity, the facts are being extracted from CWP No.19698 of 2015.

The petitioner is a proprietorship firm whose claim for allotment of a plot/site in the new vegetable market at

Ludhiana was rejected by the Market Committee vide order dated 01.11.2007 which was upheld by the Appellate Authority vide order dated 22.12.2008. The revision petition preferred by the petitioner under Section 42 of the Punjab Agricultural Produce Markets Act, 1961 (hereinafter referred to as '1961 Act'), has also been turned down by the State Government vide order dated 02.08.2013. These orders are under challenge in the instant writ petition.

It is not in dispute that the shop-sites are to be allotted in accordance with the Punjab State Agricultural Market Board (Sale and Transfer of Plots) Rules, 1999. These rules have been framed in exercise of powers conferred under the Punjab Agricultural Produce Markets Act, 1961. Rule 3 of these Rules enables an old licensee to seek allotment at a concessional rate in the new vegetable or grain market subject to the terms and conditions prescribed therein. Proviso to Rule-3 contemplates that the plots in the new market will be allotted to the licence- holders of the old market which is de-notified, on such terms and conditions including that "the licensee should have been in possession of an individual premises as an owner or tenant or in any other legal capacity in the old market....."

The petitioner's claim for allotment has been turned down due to its failure to fulfill the conditions reproduced above. There is a concurrent finding of fact that the petitioner could not produce any documentary proof of ownership of shop in lieu whereof a concessional allotment was sought. The petitioner has placed reliance on three 'agreements to sell' purportedly dated 28.10.1986, 02.01.1987 and 30.09.1987 whereby three shares in shop No.1 are claimed to have been purchased.

The authorities have rightly held that the alleged 'agreements to sell' cannot be treated as transfer of title in favour of the petitioner.

The cut-off date to determine the eligibility was 22.12.2004. Except the above-stated agreements, the petitioner did not possess any document of ownership as the sale deed, now relied upon, was executed on 13.07.2011.

The authorities have thus rightly held that the petitioner did not fulfill one of the four eligibility conditions prescribed under the Rules.

No case to interfere with the impugned orders is made out.

Dismissed.

[SURYA KANT]
JUDGE

October 08, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE