

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.19729 of 2015

Date of Decision: October 08, 2015

M/s Surinder Kumar and 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.

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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)

The petitioner is a partnership firm whose claim for allotment of a shop-site in the new vegetable market at Ludhiana was turned down by the Market Committee vide order dated 01.11.2007 and that order has been upheld by the Appellate and Revisional Authorities vide their respective orders dated 11.12.2008 and 24.09.2013. These orders are now 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 sought allotment on the plea that it was a tenant in shop No.39-A in the old vegetable market (which was to be de-notified). The authorities have turned down the above-stated plea observing that another firm M/s Surinder Kumar and Company also lodged a separate claim for allotment of shop-site being a tenant in the shop No.39-A. The authorities then found that shop No.39-A was actually in possession of M/s Chander Mohan Suraj Parkash to whom a shop-site stood allotted in the new vegetable market in lieu of shop No.39-A. The petitioner did not raise any objection or counter-claim against the said allotment.

It thus stands established that the partners/ proprietors have collusion with each others formed more than one firm at the same address with a view to secure multiple allotments against shop No.39-A. Such a claim has been rightly rejected by the authorities.

The petitioner's plea re: discrimination on the ground that three firms have been allotted separate shop-sites in lieu of their single place of business or that similar allotments have been made against shop Nos.21-A, 21 or 12 does not cut much ice. Even if someone has secured illegal or

fraudulent allotment, the authorities are obligated to enquire into the same and take remedial steps. An illegal allotment per-se won't confer the petitioner with an indefeasible right to repeat such illegality.

Dismissed.

[SURYA KANT]
JUDGE

October 08, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE