

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

CWP No. 25304 of 2014

Date of Decision:-19.02.2015

M/s Chander Bhan Ramesh Kumar through its Proprietor Ishwar Chand
and others

...Petitioners

Versus

State of Haryana and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA***

Present:- Mr. Arun Bansal, Advocate
for the petitioners.

Mr. Lokesh Sinhal, Additional A.G., Haryana
for respondent No.1-State.

Mr. Durgesh Aggarwal, Advocate
for respondents No.2 and 3.

HEMANT GUPTA J.(Oral)

The petitioners have sought a writ of certiorari quashing the notification dated 22.5.2013 de-notifying the Old Grain Market and consequent notices issued to the petitioners on 25.11.2014 as to why action should not be taken for carrying on the activities of sale, purchase and loading of agricultural produce in the old denotified grain market.

Admittedly, in the area of Narwana, there is old Anaj Mandi, New Kaath Mandi and New Grain Market, Mela Ground as the notified market yards. However, the old Anaj Mandi has been de-notified on 22.5.2013. The consequence of de-notification is that activity of sale, purchase, loading and unloading of agricultural produce of any kind in the

said de-notified market yard cannot be carried out. The grievance of the petitioners is that they have been granted licences to work in the old Grain Market yard upto 31.3.2015, therefore, even if the old Grain Market has been de-notified, they should be permitted to carry out their business activities in the de-notified market yard upto 31.3.2015.

Admittedly, the licences were issued to the petitioners prior to de-notifying the old grain market, therefore, after the de-notification of the old grain market, the licences granted to the petitioners would come to an end by efflux of law. Therefore, the petitioners cannot seek any right to carry out their business activities in the de-notified market yard.

The argument of the petitioners that the appeals filed by the petitioners at different levels are pending for the allotment of plots in the new market yard, therefore, till such time, the petitioners are allotted alternative plots in the new grain market, they should be permitted to carry out the business activities in the de-notified market yard.

We find that such contention is not tenable. Out of 26 writ petitioners, as many as 19 are the new licences of the New Kaath Mandi. The allotment of plots to the old licencees is part of the process to provide an opportunity to rehabilitate such persons but the State or agencies are not duty bound to provide business premises to them. It is a trade, of which the petitioners carry voluntarily for profit. The de-notification of a market yard is an exercise of the statutory powers conferred under Section 3 of the Punjab Agricultural Produce Markets Act, 1961, whereas allotment of a plot is by way of a scheme for rehabilitation of the dealers in the old market yard. The allotment of a plot in the new market yard is by way of a concession and cannot be linked with de-notification of the market yard.

Consequently, we do not find any merit in the arguments of learned counsel for the petitioners that allotment of the plots in the new

grain market yard should be linked with the de-notification of the market yard. However, we find that it will be fair and reasonable that the petitioners are allowed to continue to work in de-notified market yard till 31.3.2015. It shall also be expedient for the appellate authorities to decide the appeals filed by the petitioners expeditiously in accordance with law.

With the above observations, the present writ petition is dismissed.

(HEMANT GUPTA)
JUDGE

February 19, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE