

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

**CWP No.5329 of 2015 (O&M)
Date of Decision:-22.04.2015**

Sangarsh Samiti

.....Petitioner

Versus

State of Haryana and Ors.

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. S.K. Verma, Advocate for the petitioner.

Mr. Sudhir Mittal, Advocate for the applicants in
C.M.No.4878 of 2015.

Mr. Sandeep Moudgil, Addl.A.G, Haryana.

Mr. Pritam Saini, Advocate for Agricultural
Marketing Board.

Mr. Anil Kshetarpal, Sr. Advocate with
Mr. Maninder Singh, Advocate for the applicant.
(CM No.4857 and 4877 of 2015).

SATISH KUMAR MITTAL, J.(Oral)

C.M.No.4878 of 2015

The instant application has been filed by the persons who have purchased the shops/booth site, in New Vegetable Mandi, Mill Road, Hisar, in the auction. They have moved this application to become party in the writ petition filed by Sangarsh Samiti, Hisar in public interest for issuing directions to the official respondents to shift the vegetable business from old Vegetable Market to new Vegetable Market as the old Vegetable Market has already been de-notified vide order dated 25.10.2013.

The contention of the applicants is that in case the

licensees are permitted to work for more time in old Vegetable Market then their interests would be jeopardized, therefore, they should also be impleaded as respondents in the present writ petition.

After hearing the counsel for the applicants, we do not find any reason/ground to implead the applicants as respondents in the present writ petition. The Sangarsh Samiti is also pursuing the cause of transfer of the entire business to new Vegetable Market and not permitting any business transaction in the old Vegetable Market, which has already been de-notified, therefore we do not find that the applicants are a necessary party at this stage. Hence their application is dismissed.

C.M.No.4783 of 2015

This application has been filed by the applicants under Order 1 Rule 10 CPC for impleading them respondent Nos.5 to 76. Application is supported by an affidavit.

After hearing the counsel for the parties and the facts mentioned in the application, the application is allowed and the applicants are impleaded as respondent Nos.5 to 76. Registry is directed to make necessary corrections in the memo of parties.

CWP No.5329 of 2015

On 10.4.2015, after hearing learned counsel for both the parties, the following order was passed:

“The Sangharsh Samiti, Hisar has filed the instant petition for directing the respondents to shift the business from old vegetable market to new vegetable market as the old one has already been denotified vide order dated 25.10.2013. It has also been stated that despite that, vegetable vendors/licensee in the old

market are doing their business in the said market in connivance with the market committee officials.

During the course of hearing, a categorical statement has been made by the counsel for the applicants that they may be provided two months' time from today, so that they can establish their shop in the new market and they are ready to file individual affidavits giving undertaking to this effect.

Adjourned to April 20, 2015.

In the meanwhile, all 72 applicants are directed to submit their separate affidavits with regard to shifting their business from old vegetable market to new vegetable market within two months.”

In pursuance of the said order, 41 respondents have filed their affidavits that they will shift their business to the New Vegetable Market by 15.06.2015 even if their construction is not complete.

In view of the said undertaking filed by the respondents, we dispose of this petition with a direction that after 15.6.2015 no transaction of sale or purchase of any agricultural produce shall take place in the Old Market, which has already been de-notified under the Act. The Marketing Committee, Hisar as well as Marketing Board shall ensure the compliance of this order. Since the respondents are in the process of shifting, they will not be disturbed till 15.06.2015.

(SATISH KUMAR MITTAL)
JUDGE

22.04.2015
manoj

(HARINDER SINGH SIDHU)
JUDGE