

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

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Civil Writ Petition No.5332 of 2015

Date of Decision: March 23, 2015

M/s Ankit Bricks Company

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that earlier the brickkiln of the company was closed. His appeal and revision did not succeed. The revisional authority, vide order dated 02.01.2015 (Annexure P-4), stated that if the documents are completed subsequently the applicant shall apply afresh. In pursuance thereto, fresh application for renewal of the brickkiln licence was made on 18.02.2015 (Annexure P-5), to the District Food and Supply Controller, Narnaul-respondent No.3. Along with the said application, all the documents were found to be in place, as is apparent from the order dated 04.03.2015 (Annexure P-11) passed by the Food and Supply Controller, Narnaul, who instead of permitting the petitioner the benefit, has forwarded the case to the Director, Food and Supply, Haryana (Appellate Authority), for further action, which the counsel for the petitioner, states is not in accordance with the provisions of the Haryana Control of Bricks Supplies Order, 1972 (Annexure P-12), according to which, the competent authority for issuance of the licence for a brickkiln,

is the District Food and Supply Controller, Narnaul-respondent No.3. Counsel contends that the permissions, which have been granted to the petitioner, are valid up to 31.03.2015 and, therefore, by forwarding the case of the petitioner to the Appellate Authority by respondent No.3, the purpose is to deny the petitioner his legitimate right. He, therefore, contends that direction may be issued to respondent No.3 to consider and take a decision on the application submitted by the petitioner, at an early date.

Notice of motion.

On the asking of the Court, Mr. Sushil Gautam, Deputy Advocate General, Haryana, accepts notice.

Four copies of the writ petition be supplied to him during the course of the day.

Without going into the merits of the case or commenting thereon and in the light of the statement made by the counsel for the petitioner and submissions made, referred to above, the present writ petition is disposed of with direction to the District Food and Supply Controller, Narnaul, to consider the application of the petitioner dated 18.02.2015 (Annexure P-5) and pass a speaking order within a period of one week from the date of receipt of certified copy of the order. In case it is not a competent authority, a well reasoned and speaking order be passed and conveyed to the petitioner forthwith. It would be open to the petitioner to avail of the remedy in accordance with law thereafter.

Copy of this order be given to the counsel for the parties under the signatures of the Special Secretary of this Court.

March 23, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**