

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

**CWP No. 9047 of 2015
Decided on : 03.08.2015**

M/s Jagannath Attar Singh

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

PRESENT: Mr. Ravinder Malik, Advocate
for the petitioner(s)
(in CWP Nos. 9047, 9080, 9081, 9178, 9189, 9200, 9211, 9212
& 9921 of 2015

Mr. Rakesh Nehra, Advocate
for the petitioners (in CWP No. 8905 of 2015).

Mr. Amar Vivek, Addl. AG, Haryana
for the respondents.

AJAY KUMAR MITTAL, J. (Oral)

This order shall dispose of CWP Nos. 9047, 8905, 9080, 9081, 9178, 9189, 9200, 9211, 9212 & 9921 of 2015, as according to the learned counsel for the parties, the factual matrix and the issue involved therein is identical. However, the facts are being extracted from CWP No. 9047 of 2015.

2. The petitioner is the licensee of the Haryana State Agricultural Marketing Board (in short 'the Board') under the provisions of the Haryana Agriculture Produce Markets Act, 1961 and Rules framed thereunder (for brevity 'the Act of 1961 & Rules framed thereunder') and is carrying on the business of sale and purchase of vegetables and fruit in the Old/New Sabzi Mandi, Bahadurgarh to earn the livelihood. The primary prayer of the

petitioner in the present writ petition is that the direction be issued to respondent No.2 to decide the appeal which was filed by the petitioner before the auctioning of the plot for shop and booth. A further prayer has been made for direction to the respondents to renew the licence and allotment of plot for shops at New Sabzi Mandi Bahadurgarh at reserve price after determining the eligibility of the petitioner.

3. Briefly, the factual matrix as narrated in the petition may be notified. The petitioner is the licensee of the Board since 23.04.1984 and doing the business of sale and purchase of agriculture produce and paying the market fee as per the rules. The respondents carved out 37 new plots for shops in the year 2008 at New Sabzi Mandi, Bahadurgarh and put the said plots to public auction. The petitioner along with some other persons approached this Court by way of CWP No.2034 of 2013 and this Court while disposing of the writ petition on 18.09.2013 (Annexure P-3) directed the respondents to consider the claim of old licensees against the above said 37 plots under the Haryana State Agricultural Marketing Board (Sale of Immovable Properties) Rules, 2000, by taking into consideration their eligibility as on 02.01.2009 (date on which these plots were decided to be auctioned). The respondents challenged the aforesaid judgment before the Apex Court, which was dismissed upholding the judgment of this Court. Thereafter, respondents allotted plots for shops to five persons out of nine. The claim of the petitioner was illegally rejected on the ground that market fee paid by the firm from 02.01.2007 to 01.01.2008 is less than ₹5,000/-, whereas, the appropriate authority failed to appreciate that market fee of preceding two years was to be seen on the date of auction-cum-sale as per the Rules. The petitioner filed an appeal bearing No.2302 of 2014

(Annexure P-7) on the ground that similarly situated persons have been granted plots at reserve price, which is pending adjudication before respondent No.2. On the other hand, petitioner also approached the respondents for renewal of licence, but respondent No.3 is willfully not renewing the same, thus, depriving the petitioner from being eligible as an old licensee to claim plot at reserve price. In the meantime, respondents have again issued a public notice dated 11.05.2015 (Annexure P-9) for open auction of the plots for shops, without inviting applications from the eligible old licensees as per Rules and considering the case of the petitioner, and are auctioning the left out plots at New Sabzi Mandi, Bahadurgarh. Hence, the present writ petition.

4. Mr. Amar Vivek, Addl. AG, Haryana, appearing on behalf of the respondents fairly submitted that respondent No.2 shall make sincere efforts to decide the appeals/applications for interim injunction pending before it expeditiously. It is also stated by the learned State counsel that till the appeals/applications for interim injunctions are decided by the concerned authorities, the petitioners whose licences have not been renewed shall be allowed to continue to function from the old/new Sabzi Mandi, wherever, they are functioning as on date without insisting for renewal of licence till the appeals/revisions are adjudicated.

5. At this stage, while disposing of the writ petition, we observe that it shall be open to the petitioners to raise all the pleas as are available to them before the authority concerned including the plea regarding creation of rental platform under the Rules/Policy decision. It is further observed that the learned State counsel shall remain bound by the statement made by him in Court today and the Appellate Authority shall decide all the

appeals/applications for interim injunction expeditiously after hearing the petitioners by passing speaking order in accordance with law.

6. Additionally, needless to say, the petitioners shall also cooperate for early disposal of the appeal/applications for interim injunction.

7. In view of the above, the writ petition is disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

August 03, 2015

J.Ram