

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

**CWP No. 9384 of 2015
Decided on : 03.08.2015**

M/s Sahil Kumar Akshay Kumar and others

... Petitioners

Versus

Financial Commissioner and Principal Secretary,
Department of Agriculture, Haryana and others

... Respondents

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

PRESENT: Mr. Anil Kshetarpal, Sr. Advocate with
Mr. Saurabh Garg, Advocate for the petitioners.

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

AJAY KUMAR MITTAL, J. (Oral)

The primary grievance of the petitioners in the present writ petition is that their appeals/revisions which are pending before respondents No.1 and 2 be decided expeditiously. It has further been claimed that a writ in the nature of *Mandamus* be issued to direct the respondents to renew the licence of the petitioners, so that they can continue to earn their livelihood in the new Vegetable Market, which according to them would start w.e.f. 16th June, 2015.

2. The petitioners are the licencees issued by 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 are carrying on the business of sale and purchase of vegetables and fruits in the Old Sabzi Mandi, Hisar to earn their livelihood. As per the directions of this Court, a new Sabzi Mandi has been constructed and was to commence w.e.f. 16th June, 2015, restraining any sale and purchase from the Old Sabzi Mandi after 15th June,

2015. In the year 2010, respondents took a decision to purchase some land from the other Govt. Department to set up a new Vegetable/Fruit Market in Hisar. Accordingly, an Allotment committee had been constituted to identify the genuine and eligible old licencees for allotment of sites in the new market. The claim of the petitioners for allotment of site was rejected, which was assailed by the petitioners by filing various writ petitions including CWP No. 12677 of 2010 in this Court. This Court in one of the writ petitions vide interim orders dated 03.08.2010, directed the respondents to include the names of the petitioners in the list of draw of lots. Accordingly, the names of the petitioners were included in the draw of lots and they were shown to have been allotted a shop in the new market. In the meantime, some of the petitioners filed Letter Patent Appeal bearing No. 583 of 2011 and connected appeals against the interim orders issued by this Court. These appeals were disposed of vide order dated 25.05.2011 (Annexure P-4), as no further orders were required to be passed in view of statement of learned counsel for the Marketing Board that all the appellants would be allowed to participate in the draw of lots. In the meantime, vide order dated 25.07.2011 (Annexure P-5), the aforesaid writ petition and the connected writ petitions were decided by this Court and the petitioners were relegated to the remedy of appeals. Accordingly, the petitioners to the earlier writ petitions filed appeals. In some cases, appeals are pending before respondent No.2, whereas, in some other cases, appeals had been decided by the appellate authority and the revisions against the orders of appellate authority are now pending before respondent No.1. Respondent No.2 while dismissing the appeals had noticed the policy instructions of the Board, vide which it has been provided that a designated rental platform shall be provided to the old licencees who could not purchase the plot of shops in the new market or the old licencees who

were not allotted any plot or shop. Licence of certain old licencees including the petitioners were renewed, whereas, licence of majority of the petitioners have not been renewed on the ground that they have not been allotted any space in the New Sabzi Mandi. In the new Sabzi Mandi, no provision has been made for designated rental platform for old licencees, those who have not been allotted any plot for shop or could not purchase a plot in the open auction. Hence, the present writ petition.

3. Mr. Amar Vivek, Addl. AG, Haryana, appearing on behalf of the respondents fairly submitted that respondents No.1 and 2 shall make sincere efforts to decide the appeals/revisions and applications for interim injunction pending before them expeditiously. It is also stated by the learned State counsel that till the appeals/revisions and 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.

4. After hearing, learned counsel for the parties, at this stage, while disposing of the writ petition, we observe that respondents shall remain bound by the aforesaid statement and it shall be open to the petitioners to raise all the pleas as are available with them before the Appellate/Revisional Authority including the plea regarding creation of rental platform under the Rules/Policy decision.

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

(AJAY KUMAR MITTAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

August 03, 2015