

According to the plaintiff, in the public auction, two plots No. 251 and 252 were allotted to him. The total sale consideration of Rs. 500/- was paid for two plots. Thereafter, on 22.9.1983, plot Nos.

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17 and 18 were allotted in lieu of plot Nos. 251 and 252 on account of decision in some civil suit. Therefore, the declaration is sought that the plaintiff is owner of the said plots. As a consequential relief, mandatory injunction was sought, directing defendants to execute the conveyance deed.

In short, the stand of the defendants is that Shri Dhan Singh, the then Chairman of the Market Committee, had been issuing receipts to various persons in his personal capacity, which were not binding on the Market Committee because these were not according to the rules and regulations of the Market Act. In the year 1959, a Resolution was passed to allot the plot to licencees according to the rules of the Marketing Board, subject to approval of the Board under Sections 18 and 22 of the Punjab Agriculture Market Produce Act (in short 'the Act'). Later on, Dhan Singh was removed from the chairmanship of the Marketing Committee. The writ petition filed by Dhan Singh (the then Chairman) against his removal was dismissed on 27.1.1966. Later on, the Marketing Board, Chandigarh, vide letter No. 876 dated 12.1.1970, passed a Resolution that the licencees, who have deposited the cost of the plots before 26.5.1961, the sale of plots to those licencees was approved, whereas the licencees, who have deposited the cost of plots on or after 25.6.1961, their allotments were cancelled. The plaintiff had deposited Rs. 500/- for plot Nos. 251-252 only on

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13.3.1964. However, later on, the Marketing Committee, Palwal, passed Resolution No. 1 dated 22.9.1983, recommending the allotment of plots No. 17 and 18 to Inderjeet (plaintiff) on the price deposited by him on 13.3.1964, subject to approval of the Board under Sections 18 and 22 of the Act. The Board, vide letter No. LA (1)00(3)-97, dated 15.9.1997, under Section 33(4)(1) of the Act, vide board resolution No. 11, dated 11.8.1997, did not approve the said allotment and cancelled it.

I have heard the learned senior counsel for the appellant and have also carefully gone through the file.

It comes out that the Resolution of the Marketing Committee was merely a recommendation to the Marketing Board for recommending the allotment of plots to the plaintiff. The said recommendations were not accepted by Marketing Board and the allotments have been cancelled. Once, the allotment is conditional subject to approval of the higher authority under Sections 18 and 22 of the Act and the said approval has not been granted, the plaintiff has got no vested rights for allotment of the said plots. There are concurrent findings of facts of two Courts below. There is no ground to interfere in the same. No substantial question of law arises in the present regular second appeal.

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Hence, the present regular second appeal is dismissed.

19.11.2015
sjks

(KULDIP SINGH)
JUDGE