

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12917 of 2016

Date of Decision: 23.8.2016

Suraj Bhan & Co., Ambala Cantt. and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Dr. Surya Parkash, Advocate with
Ms. Varlin Garg, Advocate for the petitioners.

Ms. Shubhra Singh, Additional Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the allotment price of the shop/plots of New Grain Market, Ambala Cantt. as fixed by the respondents vide calculation sheet dated 3.6.2016 (Annexure P-1) and the amount demanded by the respondents vide communication dated 3.6.2016 (Annexure P-2 Colly) and to quash the clause “after that (draw of lots) no person can be allowed to continue their business in existing mandi” in letter dated 18.2.2016 (Annexure P-4). Further, a prayer has been made directing the respondents to constitute a committee to decide the objections of the petitioner against the exorbitant price and determine the price in accordance

with the rules and after affording an opportunity of hearing to the

petitioners. A writ of Mandamus has also been sought directing the respondents to recalculate the allotment price and to allow the petitioners to continue their business from the existing Grain Market, Ambala Cantt, till at least two years granted under the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000 for construction of the shops.

2. The petitioners are valid licence holders under the Punjab Agricultural Produce Markets Act, 1961 (in short “the 1961 Act”) and are 'Katcha Arhtias' and have been carrying out their trade from the shops owned by them in the existing Grain Market, Ambala Cantt. existing since 1872, as per the proceedings, Annexure P-3. State of Haryana vide notification dated 3.4.2007 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act”) followed by notification dated 6.2.2008 under Section 6 of the Act acquired the land measuring 33 acres 5 kanal and 7 marlas situated in village Bahowa for the public purpose, namely, for the construction of 'New Grain' and 'New Vegetable Market', Ambala Cantt. The awards were passed on 26.3.2008 and 9.11.2010. After acquisition of the land in question, the respondents started construction of the plinth/platforms of the grain market, vegetable market and fodder market. The said construction was completed on 31.3.2016. However, prior to that on 18.2.2016, the respondents intimated the old licencees, Category-II regarding their decision for allotment of the plots in New Grain Market, Ambala Cantt. through draw of lots and invited applications on Form-A. As per the letter dated 18.2.2016 (Annexure P-4), the eligible applicants were to be allotted the plots on reserve price on preferential basis through draw of lots. In response thereto, the petitioners

submitted their applications on Form-A including the application dated 18.2.2016 (Annexure P-5) along with the required documents within the stipulated time. A list of eligible Kacha Arhtias/licencees was issued on 6.4.2016 and the objections were invited on 7.4.2016. The claim of the petitioners was accepted and they were declared eligible for taking part in the draw of lots for the allotment of plots in the New Grain Market, Ambala Cantt. vide communication dated 27.4.2016 (Annexure P-6). The draw of lots was held on 3.6.2016. The letters of Intent dated 3.6.2016 (Annexure P-2 Colly) were issued on the same day directing the petitioners to deposit 25% of the reserve price. In a reply to the application under Right to Information Act, 2005, the respondent supplied the calculation sheet along with enclosures dated 3.6.2016 (Annexure P-1) for fixation of the reserve price along with the communications from the Executive Engineers and respondent No.3. The respondents did not provide any calculations to the petitioners for fixing the said reserve price. Accordingly, the petitioners moved the representations dated 6.6.2016 (Annexure P-7) and dated 16.6.2016 (Annexure P-8) to respondent No.2 against the abnormal and unjustified reserve price fixed for the allotment of plots at New Grain Market, Ambala Cantt., but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the representations dated 6.6.2016 (Annexure P-7) and dated 16.6.2016 (Annexure P-8) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the

case, we dispose of the present petition by directing respondent No.2 to take a decision on the representations dated 6.6.2016 (Annexure P-7) and dated 16.6.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order. Needless to say that respondent No.2 shall not be influenced by the communication dated 18.2.2016 (Annexure P-4).

(AJAY KUMAR MITTAL)
JUDGE

August 23, 2016
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No