

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13970 of 2016

Date of Decision: 27.7.2016

Shri Kartar Singh

....Petitioner.

Versus

Chief Administrator, Haryana State Agricultural Marketing Board,
Panchkula and another

...Respondents.

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

PRESENT: Mr. S.S. Antal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of mandamus directing respondent No.2 to consider his application dated 10.5.2016 (Annexure P-4) for allotment of a shop on reserve price in the New Mandi, Ambala Cantt at Bohava near Ambala Cantt as the old Mandi of Ambala Cantt had been under the process of de-notification.

2. The petitioner is working as commission agent since 30.7.1993 in Grain Market, Ambala Cantt. having licence under the name and style of M/s Kartar Singh and Company which is renewed upto 31.3.2017 vide licence dated 31.3.1999 (Annexure P-1). The petitioner is doing his business of sale and purchase of agriculture produce from rented shop No. 5487, Grain Market, Ambala Cantt. which is discernible from the affidavit

dated 1.7.2016 (Annexure P-2) sworn by Shri Rakesh Kumar, owner of the

shop. Respondent No.1 issued a letter dated 2.6.2009 (Annexure P-3) to all the Executive Officer-cum-Secretaries, Market Committees in the State of Haryana informing that the Haryana State Agricultural Marketing Board vide supplementary resolution dated 25.2.2009 had decided that katcha Arthiya (licensees of category-II) who had been possessing independent premises in the old Mandis to be de-notified and were having separate ownership with registered deed/rent deed duly registered of the said premises for the last four years on the date of invitation of applications for draw of lots would be eligible for allotment of plot in New Mandi on reserve price subject to fulfilment of other conditions as laid down in Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000. The petitioner moved an application dated 10.5.2016 (Annexure P-4) to respondent No.2 for allotment of a plot in New Mandi at Bohava which was not considered whereas 15 katcha Arthias have been allotted plots in New Mandi on 3.6.2016. Thereafter, the petitioner sent a representation dated 12.5.2016 (Annexure P-5) to respondent No.2 for not receiving the notice for applying for allotment of a plot in New Mandi. However, the notice was received by the President of the Mandi who neither handed over the said notice to the petitioner nor informed him. Respondent No.2 wrote a letter dated 1.7.2016 (Annexure P-6) to the President, Grain Market, Ambala Cantt to explain his position for not handing over the notice to the petitioner. However, no action has so far been taken thereon. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 10.5.2016 (Annexure P-4) to respondent No.2, but no action has so far been

taken thereon.

4. After hearing learned counsel for the petitioner, 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 application dated 10.5.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 27, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No