

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

**Civil Writ Petition No.17970 of 2015
Date of Decision: December 13, 2016**

M/s Babu Ram Ashok Kumar

...Petitioner

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Munish Bansal, Advocate,
for the petitioner.

Mr.B.M.Vinayak, DAG, Punjab.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the alleged inaction on the part of the respondent authorities, petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus, directing the respondents to release the payment amounting to Rs.21,44,873/- due against the petitioner for the sale of 4415 bags of paddy along with the interest @ 18% per annum.

Notice of motion was issued and in compliance thereof, reply by way of affidavit on behalf of respondent Nos.1 to 4 was filed.

Heard learned counsel for the parties.

There are seriously disputed questions of fact between the parties. It is the common stand taken by learned counsel for the parties

that ultimate sufferers would be the farmers, who have sold their agricultural produce through the Commission Agency of the petitioner. If that is so, innocent farmers must not be made to suffer because of the interse fighting between the petitioner and the respondents.

Learned counsel for the parties have fairly stated before this Court that they would have no objection incase, respondent No.2 shall ensure release of payment direct in favour of the farmers, whosoever have sold his/her agricultural produce through Commission Agency of the petitioner.

In view of the above and with a view to take the controversy to its logical end, District Food & Supplies Controller, Bathinda-respondent No.2 is directed to look into the matter, treat the present writ petition as representation on behalf of the petitioner, conduct an appropriate inquiry into the allegations and counter-allegations levelled by both the parties against each other and to conclude the inquiry at an early date, strictly in accordance with law, but in any case within a period of three months from the date of receipt of a certified copy of this order.

He shall also ensure releasing of payment for the paddy sold by the farmers immediately because there is no allegation against the farmers, who have sold paddy through the Commission Agency of the petitioner and they should not be made to suffer either for any fault of the petitioner or any fault of the respondent authorities.

Respondent No.2 shall grant an opportunity of being heard to both the parties and the inquiry shall be conducted after associating all

the affected parties and also following the principle of natural justice.

However, an immediate action is required in the present case and that is why, these time bound directions are being issued to respondent No.2.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

December 13, 2016

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**(RAMESHWAR SINGH MALIK)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No