

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21767 of 2016

Date of Decision: 20.10.2016

M/s Bedi Harnam Singh Amrik Singh, Ambala City

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Brijender Kaushik, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot a small plot measuring 15'x37' instead of plot No. 16 measuring 20'x50' at New Vegetable and Fruit Market, Ambala City, allotted to the petitioner vide Letter of Intent (LOI) dated 7.5.2015 (Annexure P-10) and to decide its representation dated 16.7.2015 (Annexure P-12).

2. The land measuring 25 acre 4 kanal 12 marlas situated within the revenue estate of village Patti Mehar, Tehsil and District Ambala was acquired vide award dated 11.3.2008 for establishing New Vegetable Market, Ambala City. The appeals filed there against by the landowners for enhancement of compensation were pending before this Court. The respondents vide letter dated 1.3.2014 (Annexure P-2) invited applications

on Form-A from the old licensee of Vegetable Market, Ambala City for the allotment of a plot in the New Vegetable Market at Ambala City. In response thereto, the petitioner moved an application in Form-A by complying with the conditions as enumerated in Annexure P-1, The Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000 (in short “the Rules”). The petitioner opted for a shop measuring 20'x50' and on scrutiny of the applications, the petitioner was held entitled to the allotment of a plot/shop/booth in New Vegetable Market, Ambala City. As per Rule 3 of the Rules, the sale to displaced persons was by allotment of plots on reserve price to be worked out as per formula approved by the Haryana State Agricultural Marketing Board (hereinafter referred to as “the Board”) vide its Resolution dated 1.6.1987 (Annexure P-3) or any other formula to be approved by the Board from time to time. The petitioner requested the concerned authorities for the allotment of site on reserve price as per the formula approved by the Board. However, the draw of lots was directed to be held on 22.8.2014 without considering the request of the petitioner and without disclosing the reserve price. The draw of lots was held on the prescribed date and the reserve price of the plot measuring 20'x50' was fixed at ₹ 54,83,180/-. Since the reserve price was not as per the approved procedure, the petitioner and other old licensees submitted their reservation and, thus, the draw was postponed. In this regard, a letter dated 23.8.2014 (Annexure P-4) was addressed to respondent No.2. Thereafter, the draw of lots was fixed for 30.9.2014 vide letter dated 2.9.2014 (Annexure P-5). Respondent No.2 vide letter dated 29.9.2014 (Annexure P-6) wrote a letter to the Executive Engineer, Haryana State Agricultural Marketing Board, Ambala for fixation of reserve price of plots

of New Vegetable Market, Ambala City. The draw of lots was to be held on 30.8.2014 and the price for 20'x50' plot was increased to ₹ 55.67 lacs. Respondent No.3 vide letter dated 1.10.2014 (Annexure P-7) requested respondent No.2 to fix the date for draw of lots as the draw of lots fixed for 30.8.2014 could not be held due to non-availability of the permission of the Chief Election Commissioner, Haryana. After the elections, the petitioner along with other licensees approached the respondents for refixation of price as per the approved formula and draw of lots for the allotment of plots on preferential basis. Vide letter dated 28.4.2015 (Annexure P-8), the draw of lots was scheduled for 7.5.2015 and the rate for a plot measuring 20'x50' was fixed at ₹ 61.01 lacs. The petitioner along with others participated in the draw of lots and also raised objections against the reserve price of the plot vide representation dated 7.5.2015 (Annexure P-9). In pursuance to the draw of lots, plot No.16 was allotted to the petitioner at the reserve price of ₹ 61.01 lacs and LOI dated 7.5.2015 (Annexure P-10) was issued to the petitioner with a direction to deposit 25% of the reserve price within one month. The petitioner vide letter dated 5.6.2015 (Annexure P-11) requested respondent No.4 for some time to arrange the said amount, but to no effect. Thereafter, the petitioner moved a representation dated 16.7.2015 (Annexure P-12) to respondent No.2 for change of allotted plot No.16 measuring 20'x50' in New Vegetable Market, Ambala City to a small plot measuring 15'x37', but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 16.7.2015 (Annexure P-12) 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 representation dated 16.7.2015 (Annexure P-12), 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

October 20, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No