

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

Civil Writ Petition No. 21978 of 2016

Date of Decision: 21.10.2016

The Jai Nirmal Co-operative Labour & Construction Society Limited
through its president Naveen Sharma

.....Petitioner

Vs.

Haryana State Agricultural Marketing Board and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 6.10.2016 (Annexure P-8) passed by respondent No.5, petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order. Petitioner also seeks a writ in the nature of Mandamus, directing the respondents authorities to transfer the case proceedings from respondent No.4 to some other officer of the same rank.

Learned counsel for the petitioner, at the very outset, fairly states that he does not intend to press this writ petition qua the writ of Certiorari. He further submits that let the present writ petition be disposed of with a direction to the Administrator-cum-Sub Divisional Magistrate, Kaithal-respondent No.3 to consider and decide representation of the petitioner moved vide Annexure P-9 and till appropriate order is passed by respondent No.3, order dated 6.10.2016 (Annexure P-8) may be ordered to be kept in abeyance.

Amit Kumar
2016.10.21 17:59
I attest to the accuracy and
integrity of this document

Having heard learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of with a direction to the Administrator-cum-Sub Divisional Magistrate, Kaithal-respondent No.3 to look into the matter, consider the grievance raised by the petitioner vide its representation (Annexure P-9) and take appropriate decision at an early date, by passing an appropriate order thereon, strictly in accordance with law and after granting due opportunity of being heard to the petitioner. Proceedings of the case, including the proceedings taken on 10.10.2016 by respondents No. 4 and 5 shall stand transferred to respondent No.3 for appropriate decision thereon.

It is also directed that till the appropriate decision is taken by respondent No.3, order dated 6.10.2016 (Annexure P-8) shall remain in abeyance. These directions are being issued keeping in view the peculiar facts and circumstances of the case, so that petitioner may not feel that he was not granted due opportunity of being heard by the competent authority, before passing appropriate order, in accordance with law.

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

21.10.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No