

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 23409 of 2015 (O&M)

Date of decision: 28.09.2016

M/s Hindustan Fruit Company and others ..... Petitioners

Vs.

Haryana State Agriculture Marketing Board and others .... Respondents

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

Present: Mr. Vikram Jeet Singh, Advocate for  
Mr. Aman Pal, Advocate  
for the petitioners.

Mr. Arun Gosain, Advocate for  
Mr. Vishal Garg, Advocate  
for the respondents.

**AJAY KUMAR MITTAL, J.(ORAL)**

The challenge in this writ petition filed under Articles 226/227

of Constituion of India is for issuance of a direction to the respondents to consider the claim of the petitioners before the draw of lots which according to the petitioners was scheduled to be held on 02.11.2015.

2. Upon notice of motion having been issued, short reply of Sh. Anil Kumar, Secretary, Market committee, Panipat on behalf of the respondents has been filed. In para 5 of the said reply, it has been stated that the petitioners No. 3,4,5 & 6 can avail the remedy of revision petiton before the State Government under Section 40(3) of the Haryana Agricultural Produce Markets Act, 1961 (for short 'the Act') against the order passed by the Appellate Authority declaring them to be ineligible. . It has also been stated that the appeals of other five petitioners are pending before the Appellate Authority for final adjudication. Para 5 of the Short reply reads as under:-

*5. “ That the statutory appeals filed by the petitioner No.3,4,5 & 6 of the present writ petition have already been decided by the Appellate Authority and the order passed by the Allotment Committee declaring these petitioners ineligible has been uphold. Those petitioners can avail the*

*remedy to file a revision petition before the State Government under Section 40(3) of the Haryana Agricultural Produce Markets Act, 1961. The appeals of other four petitioners are pending before the Appellate Authority for final adjudication.*

3. In view of the above, learned counsel for the petitioners prays that he may be allowed to withdraw the present writ petition with liberty to the petitioners No.3 to 6 to take recourse to the remedy of revision petition under Section 40(3) of the Act and also liberty to the petitioners No. 1,2,7 & 8 to pursue the appeal(s) before the Appellate Authority.

4. Dismissed as withdrawn. The petitioners shall be at liberty to avail remedy, in accordance with law.

5. In view of the withdrawal of the main petition, CM No.5372-CWP-2016 is also dismissed as withdrawn.

(AJAY KUMAR MITTAL)  
JUDGE

(RAMENDRA JAIN)  
JUDGE

28.09.2016  
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No