

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

**CWP No.22863 of 2016
Date of decision: 04.11.2016**

Harinder Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rajbir Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the reduction of quantity of paddy for the purpose of allotment to the petitioner from 2205 MT to 1895 MT vide impugned decision dated 24.10.2016 contained in tabulation form as Mill Mandi Linkage list for KMS 2016-17 (Annexure P-1), petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the impugned action taken by the respondent authorities. He also seeks a writ in the nature of mandamus directing the respondent authorities to allot 2205 MT of paddy to the petitioner.

After arguing the case for some time, learned counsel for the petitioner submits that he does not intend to press this writ petition for a writ in the nature of certiorari, for the time being. He further submits that petitioner has already approached the competent authority i.e. District Controller, Food, Civil Supplies and Consumer Affairs, Patiala-resondent No.4 by way of

representation dated 29.10.2016 (Annexure P-5) and the same is pending decision. He also submits that petitioner will be satisfied in case respondent No.4 is directed to consider and decide the representation of the petitioner by passing an appropriate order within a reasonable time and till then, District Manager, Markfed, Patiala-respondent No.5 may be directed to retain the remaining quantity of paddy for allotment in favour of the petitioner.

Having heard the learned counsel for the petitioner and without expressing any opinion on 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 District Controller, Food, Civil Supplies and Consumer Affairs-respondent No.4 to consider the grievance raised by the petitioner vide his representation dated 29.10.2016 (Annexure P-5) and take a final decision thereon, at an early date by passing an appropriate order but in any case within a period of one week from the date of receipt of certified copy of this order.

Keeping in view the peculiar facts and circumstances of the case noticed hereinabove and also to ensure that claim of the petitioner may not be rendered infructuous, District Manager, Markfed, Patiala-respondent No.5 is directed to retain the remaining quantity of paddy for allotment in favour of the petitioner, if he is found entitled for said allotment by respondent No.4.

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

[RAMESHWAR SINGH MALIK]
JUDGE

04.11.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No