

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 26411 of 2016

Date of Decision: 20.12.2016

Jagtar Singh and another

....Petitioners.

Versus

Punjab State Agricultural Marketing Board, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Vivek Slathia, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to allot the platforms/ space to them in front of their shops at New Grain Market, Sultanpur Lodhi, Kapurthala to facilitate them to carry on their work in a proper and efficient manner. Further, a direction has been sought to the respondents to decide the representations (Annexures P-4 and P-5) submitted by the petitioners.

2. The petitioners are the commission agents carrying on their business under the name and style of M/s Jagtar Singh Mukhtar Singh. The respondents framed a scheme for the allotment of sites in the New Grain Market, Sultanpur Lodhi, District Kapurthala. In response thereto, the

petitioners participated in the open auction and being successful were allotted two shops situated at plot Nos. 248 and 249, New Grain Market, Sultanpur Lodhi vide allotment letters dated 10.6.2010 (Annexures P-1 and P-2, respectively). The platform/space is provided in front of the shops or near the shop to facilitate working of trade by the commission agents. In the present case, the respondents without seeing the layout of the shops and without any survey had given platforms/spaces to the commission agents which was neither in front of their shops nor in the vicinity of the shops. As a result thereof, the platform/space provided to one shop owner was situated in front of another shop as is clear from the unscaled map (Annexure P-3). In front of the shops of the petitioners, the platform/space had been provided to other shop owners and the space provided to the petitioners was across the road and towards one end of the road in front of the shop of some other commission agents. Accordingly, the petitioners moved the representations dated 30.9.2014 (Annexure P-4) and dated 12.5.2016 (Annexure P-5) to respondent No.1 for distribution of platforms, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the representations dated 30.9.2014 (Annexure P-4) and dated 12.5.2016 (Annexure P-5) to respondent No.1, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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.1 to take a decision on the representation dated 12.5.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 20, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No