

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

**CWP No. 4256 of 2015
Decided on : 21.09.2016**

Roshan Lal Hukam Chand and others

... Petitioners

Versus

The State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE KULDIP SINGH**

PRESENT: Mr. Akshay Jindal, Advocate
for the petitioners.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Suvir Sehgal, Advocate
for respondents No.2 & 3.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the order dated 05th May, 2014 (Annexure P-2), passed by respondent No.2. A further prayer for issuance of direction to respondents for allotment of the plots in the New Anaaj Mandi at the reserved price fixed in the year 1993 along with 12% simple interest in terms of order dated 08.08.2013 (Annexure P-3), passed by this Court in CWP No. 23292 of 2011, has also been made.

2. Learned counsel for respondents No.2 & 3 referred to Sub-Section 3 of Section 40 of the Haryana Agricultural Produce Market Act, 1961 (in short 'the Act'), according to which the petitioners have a remedy of revision under the Act, which reads thus:-

“40. Appeal, revision and review.— (1) xx xxx xx xxx

(2) xx xxx xx xxx

(3) The State Government may, either suo motu or on an application made in this behalf, call for the record of any case or an order passed by the Board or the Chief Administrator within a period of sixty days of the supply of the certified copy of such order, for the purpose of satisfying itself as to the legality or propriety of the order passed therein, and pass such order in relation thereto as it may deem fit, after giving the person likely to be affected thereby an opportunity of being heard.”

3. In view thereof, while disposing of the writ petition, we relegate the petitioners to avail the alternative remedy of revision. It is further clarified that in case, a revision is filed within one month from the date of receipt of certified copy of this order, the same shall not be dismissed by the revisional authority on the ground of limitation/delay. The revisional authority shall make endeavour to decide the revision expeditiously, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(KULDIP SINGH)
JUDGE

September 21, 2016

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No