

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223

Civil Writ Petition No.793 of 2016

Date of Decision:19.01.2016

M/s Yasin and Company

....petitioner

Versus

State of Haryana and others

.....respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

- 1. Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Ravi Kapur, Advocate
for the petitioner

Mr.Deepak Balyan, Additional Advocate General, Haryana and
Mr.Rahul Dev Singh, Deputy Advocate General, Haryana
for the respondents

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioner claims to be entitled to the allotment of a plot from the reserved category of old licensees, who operated from the Old Sabji Mandi. The petitioner relies upon the order of revisional authority, which, at least, keeps the petitioner's claim alive to be considered upon remand. The petitioner interprets the order as having granted him the benefit. The operative part of the order reads thus:

“In view of the above facts, strictly speaking when an application has been made by the applicant for issuance of category-II licence in April 1997, he should have been issued licence within a reasonable period. However, neither any deficiencies were pointed out to the applicant nor rejection was conveyed to the applicant till

30.11.2000 when the licence was finally issued. Thus, the revision petition is accepted and the case is remanded to the Chief Administrator, HSAMB, Panchkula, considering the eligibility of the petitioner firm with effect April 1997, in view of aforementioned reasons subject to availability of plots. The Market Committee will provide details regarding turnover of the petitioner firm or market fee paid by it during relevant years accordingly.

The open auction is scheduled to be held tomorrow i.e.20.01.2016. It is necessary to protect the rights of the petitioner.

In the circumstances, the petition is disposed of, with the following order:

The auction may proceed except in respect of one plot, to be identified by the respondents, which shall be reserved for the petitioner in the event of his succeeding. This plot, will abide by the final orders to be passed by the Chief Administrator, HSAMB, Panchkula, pursuant to the order dated 28.09.2015 (Annexure P1) passed by revisional authority.

A photocopy of the order be given to learned counsel for the petitioner under the signatures of Bench Secretary attached to this Court.

**(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

January 19, 2016
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