

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.876 of 2016
Date of decision: 20.01.2016

Karnail Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Jagdish Manchanda, Advocate for the petitioners.
Mr. Deepak Balyan, Addl. AG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J.

A writ in the nature of certiorari is prayed for to quash the auction notice dated 12.12.2015 (Annexure P6), issued by the Chief Administrator, Haryana State Agriculture Marketing Board, vide which shop/booth sites at New Grain Market, Gharaunda are sought to be auctioned, for the respondents have to first satisfy the claim of the petitioners for allotment of plots under the Oustee Quota.

A land measuring 461 kanals 7 marlas, including the land owned by the petitioners, was acquired by the State of Haryana to establish a New Grain Market at Gharaunda.

Petitioners claim to be entitled for allotment of shop/booth sites in the New Grain Market, in terms of the policy dated 01.06.1987 (Annexure P3), that postulates 10% reservation for the oustees. And, even the amended policy dated 23.10.1990 (Annexure P4), requires 7.5% sites to be reserved in the said category. It is contended that prior to the institution of this petition, the petitioners had even filed separate appeals/applications (Annexure P5 Colly.), before the Chief Administrator, Haryana Agriculture Marketing Board, for allotment of plots but to no avail. And now the shop/booth sites are being sold by way of public auction i.e. slated for 22.01.2016. Meaning thereby, it is contended, that on the one hand, claim of the petitioners continue to await consideration by respondent No.2 and on the other, if the auction is concluded the interest of the petitioners would be severely impeded.

That being so, we deem it fit to dispose of this petition with a direction to the Chief Administrator (respondent No.2), to decide the applications (Annexure P5 Colly.), moved by the petitioners, strictly in accordance with law and after affording an opportunity of hearing to the petitioners, within a period of four weeks from today. Needless to assert, a comprehensive order shall be passed assigning reasons in support of the decision arrived at. In the meanwhile, the auction i.e. scheduled to take place on 22.01.2016, shall be held but the respondents will adjourn the same by six weeks. In the event the claim of the petitioners being accepted, the auction shall be cancelled, and if it does not find

favour with the authorities, the respondents shall be free to proceed further with the auction process.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.01.2016

Rajan