

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16069 of 2006 (O&M)

Date of Decision: 13.02.2017

M/s Chiranaji Lal Walaiti Ram

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Ms. Anna Bansal, Advocate for
Mr. RL Gupta, Advocate for the petitioner(s)
Mr. Rajesh Bhardwaj, Addl. AG Punjab
Mr. IS Sidhu, Advocate for respondents No.2 to 4

SURYA KANT, J. (Oral)

(1) This order shall dispose of CWP Nos.16069, 16072 & 20194 of 2006 as point in issue in these cases is common in nature. For brevity, the facts are being taken from CWP No.16069 of 2006.

(2) The instant writ petition raises two-fold questions. Firstly, the petitioner has laid challenge to the *vires* of Punjab State Agricultural Marketing Board (Sales and Transfer of Plots) Rules, 1999 as, according to it, these Rules *ultra vires* the provisions of Punjab Agricultural Produce Markets Act, 1961 read with the Constitution of India. Secondly, The petitioner challenges the order dated 10.08.2006 whereby its claim for allotment of site in the New Grain Market, Samana has been rejected on the ground that the petitioner had not completed five years in business.

(3) So far as the *vires* of the Rules is concerned, we find that a Division Bench of this Court in a bunch of writ petitions including in **CWP No.3542 of 2008 (M/s Nohar Chand Amrit Lal and others vs. State of Punjab and others)** decided on 20.05.2009, repelled all the contentions raised by the petitioners and consequently upheld the Rules. Following the cited decision, the

instant writ petition must fail and is accordingly rejected.

(4) So far as the challenge laid by the petitioner to the order dated 10.08.2006 passed by Market Committee, Samana, is concerned, indisputably statutory appeal is maintainable against the said order under the 1961 Act. We thus relegate the petitioner to avail such remedy. However, in view of the fact that the writ petition has been pending in this Court since 2006, it is directed that if the petitioner prefers the appeal within one month from the date of receipt of certified copy of this order, the Appellate Authority shall entertain such appeal and decide the same on merits within a reasonable period.

(5) Ordered accordingly.

(Surya Kant)
Judge

13.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No