

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 13291 of 2017

Date of Decision: 2.6.2017

Rajesh Kumar

....Petitioner.

Versus

State of Punjab and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

PRESENT: Mr. Puneet Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the public notice dated 27.5.2017 (Annexure P-2) regarding e-auction of Cattle Fairs from 1.7.2017 to 30.6.2018 published in in the newspaper “Punjabi Tribune”. Further, a writ of mandamus has been sought directing the respondents to hold separate auction for 19 cattle Mandi/areas for holding Cattle Fair throughout the State of Punjab as the same were held prior to 2014 for more than a decade, i.e., since 2002 as a sequel to giving up of Government control over the conduct of the said Cattle Fairs.

2. The petitioner is a contractor and had not been blacklisted by any organization/public sector undertaking. He was granted contract of Market Committee, New Grain Market, Jalandhar for the year 2016-17.

State of Punjab enacted “The Punjab Cattle Fairs (Regulation) Act, 1967 (in

short “the Act”) (Annexure P-1) to regulate the holding of Cattle Fair under the supervision and control of the Mela Officer/Fair Officer. In the year 1968, The Punjab Cattle Fair (Regulation) Rules, 1968 were framed for facilitating the objectives of the Act. The system continued till the year 2002 as Cattle Fairs were organized in all the 19 Cattle Mandis under the supervision and control of Mela Officer. Thereafter, respondent No.1 started conducting auctions of individuals/independent cattle mandis transferring the conduct and control of Cattle Fair to the contractors. From the year 2014-15, the respondents abolished open auction for individual cattle mandi and centralize the complete auction by conducting a joint auction for annual supervision/control and conduct of cattle fair at all 19 mandis vide public notice dated 27.5.2017 (Annexure P-2). Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner shall make a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition. He, however, prays that a direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before respondent No.2 within a period of 5 days from the date of receipt of certified copy of the order. It is directed that in the event of a representation being filed by the petitioner, the same

shall be decided by respondent No.2 in accordance with law by passing a speaking order and after affording an opportunity of hearing to him within one week from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

June 2, 2017
gbs

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No