

CWP No.13862 of 2017 (O&M)

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

CWP No.13862 of 2017 (O&M)

Date of decision:04.08.2017

Rajesh Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Puneet Sharma-I, Advocate, for the petitioner.

Mr. I.P.S.Doabia, Addl.A.G.Punjab.

Mr. C.S.Bakshi, Advocate, for the applicants/intervenors
(in C.M.Nos.8920-21 of 2017).

AJAY KUMAR MITTAL J.

Challenge in the present writ petition is to the impugned order dated 13.06.2017 (Annexure P-7), whereby the respondents have illegally turned down the request of the petitioner to conduct Cattle Fair in the State of Punjab as per the Punjab Cattle Fair's (Regulation) Act, 1967 (hereinafter referred as "the Act") in a totally innocuous and arbitrary manner without any plausible reasons and public notice dated 27.05.2017 (Annexure P-2) regarding e-auction of Cattle Fairs w.e.f. 01.07.2017 to 30.06.2018 in newspaper daily – Punjabi Tribune being in contravention to Articles 38 and 39 of Part-IV "Directive Principle of State Policy" of The Constitution of India and the Act, resulting into Appreciable Adverse Impact on Competition (AAIC leading to monopoly and stifling of the competition to the disadvantage of small/rural players/contractors like the petitioner and

farmers/Cattle breeders as well on account of making the participation and transacting in such Cattle Fairs dearer on account of charging of unregulated commission in violation of Sections 8 and 9 of the Act.

2. Learned State counsel has produced a copy of the agreement dated 03.08.2017 executed between respondent No.2 - Governor of Punjab through the Director, Rural Development and Panchayat, Punjab, SAS Nagar and M/s United Cattle Fair Organizers, SAS Nagar (Mohali) in pursuance to the auction notice dated 27.05.2017 (Annexure P-2). The same is taken on record. Office to tag the same at appropriate place.

3. Learned counsel for the petitioner submitted that during the pendency of the writ petition, agreement has been executed between the parties on 3.8.2017 in pursuance to public notice dated 27.05.2017 and he may be permitted to withdraw the present writ petition with liberty to challenge the Public Notice dated 27.05.2017 (Annexure P-2), impugned order dated 8/13.06.2017 (Annexure P-7), and also agreement executed on 03.08.2017.

3. Dismissed as withdrawn with liberty as prayed for. Consequently, the applications (C.M.Nos.8920-21-CWP-2017) filed by the intervenor have been rendered infructuous and the same are disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

August 04, 2017
savita
Whether Speaking/Reasoned
Whether Reportable

(AMIT RAWAL)
JUDGE
Yes/No
Yes/No