

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25931-2015

Date of Decision: March 15, 2017

Rehri Fatta Workers Welfare Association, Krishanpura, Panipat

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.M.S.Bawa, Advocate
for the petitioner.

Mr.R.D.Sharma, DAG, Haryana
for respondent No.1.

Mr.S.K.Mahajan, Advocate
for respondent Nos.2 and 3.

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SURYA KANT, J.

The petitioner claims itself to be an association of Rehri Fatta Workers in Panipat and its members are statedly engaged in the business of selling vegetables/fruits within Municipal limits of Panipat. The petitioner-association seeks a direction to Market Committee, Panipat to provide a platform, shed, lighting and other amenities to the members of the petitioner-association for the purpose of running their business activities.

[2] The Market Committee, Panipat has filed its written statement averring that the petitioner has not approached the Court with clean hands.

It is stated that “As per Government instructions, Apni Mandi/Kisan Mandi has been started in planned land in front of Vegetable Market (which is in developing phase) i.e. area of NGM Panipat owned by Market Committee Panipat. The concept of Apni Mandi/Kisan Mandi was introduced for the benefits of the farmers in order to enable them to sell their vegetables/fruits directly to consumer on every Wednesday and Sunday. Apni Mandi was started first time on 24.01.2010 as per record of Market Committee, Panipat.” It is further averred that no market fee are charged by market Committee. The Apni Mandi is said to have been developed to control the price by eliminating a series of arthiya, commission agents and wholesalers.

[3] It is also averred that members of the petitioner-association are a group of persons doing the business of sale/purchase of vegetables/fruits on the land owned by the Market Committee and their basic grievance is against setting up of Apni Mandi/Kisan Mandi, which has been set up to facilitate the general public. The Apni Mandi/Kisan Mandi is said to have harmed the business interests of members of petitioner.

[4] Having heard learned counsel for the parties we find that several disputed questions of facts are involved. A Coordinate Bench also, after noticing that seriously disputed factual issues are involved, in an identical matter, relegated them to the remedy of initiating appropriate proceedings and avail such remedies in accordance with law. [Please see **Pardeep Kumar @ Buntly vs State of Punjab and others**) 2016(1) R.C.R.(Civil) 221.

[5] Consequently, keeping in view the categorical stand taken by the Market Committee that all facilities have been provided in the Apni

Mandi/Kisan Mandi and that the sale of perishable items is being regulated to ensure that no excessive rates are charged from the general public and there is no embezzlement of funds by the authorities as alleged by the petitioner-association, we are satisfied that disputed issues sought to be raised by the petitioner are required to be adjudicated by some appropriate Forum, for which we relegate the petitioner to approach such Forum.

**(SURYA KANT)
JUDGE**

March 15, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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