

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-554-2016

Date of Decision: May 23, 2017

M/s Sardha Ram & Sons and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HARI PAL VERMA

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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.Raman B.Garg, Advocate with
Ms.Gitanjali, Advocate
for the petitioners.

Mr.Deepak Balyan, Addl.AG, Haryana.

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SURYA KANT, J.

The petitioners are old licensees working in Grain Market at Jhansa, Tehsil Ismailabad, District Kurukshetra. They seek a direction for allotment of plots on preferential basis and at concessional rate at “the New Anaj Mandi, Jhansa”. The respondents have in their reply-affidavit taken a categorical stand that neither a new grain market has been established nor the old grain market is being denotified. Only the existing grain market has been further extended in the adjoining area. It has also been categorically averred that the there is no proposal to denotify the existing grain market.

[2] Having heard learned counsel for the parties, we are of the view

that the right to seek allotment of a plot on preferential basis in a new grain

market would accrue in favour of the petitioners in terms of decision of the Hon'ble Supreme Court in M/s Labha Ram and sons vs State of Punjab, AIR 1988 SC 2086 only when the old grain market is being denotified and they are to be uprooted from the place of their business. No such decision has been taken by the respondents and there is no proposal to denotify the existing grain market. That being so, the claim of the petitioners is wholly misconceived. It is, however, clarified that as and when the authorities would decide to denotify the existing market by establishing a new grain market, the claim of the petitioners or other old licensees will be considered in accordance with the above-cited judgment read with Rule 3 of the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000.

[3] At this stage it is pointed out by learned counsel for the petitioners that the shops of some of the petitioners have been acquired and demolished for the purpose of expansion of existing grain market. If that is so, their claim shall be separately considered for allotment of alternative sites in accordance with Government Policy/Rules, for which the affected petitioners may approach the authorities.

[4] Disposed of.

(SURYA KANT)
JUDGE

May 23, 2017
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(HARI PAL VERMA)
JUDGE

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