IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.1925 of 2014 (O&M)
Date of Decision: September 27, 2018

Subash Chand and others .....Petitioners

versus

Chief Administrator, Haryana State Agriculture Marketing Board and others
.....Respondents

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

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Present: Mr.Rajesh Dhankar, Advocate, for the petitioners
Mr.Sandeep Moudgil, Additional AG, Haryana.
Mr.Abhay Gupta, Advocate, for
Mr.Amar Vivek, Advocate for respondent Nos.1 & 2.

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Surya Kant, J. (Oral)

The controversy in this case pertains to fixation of reserve price on which the petitioners have been allotted plots in the Market Committee at Panipat being the old licensees (Category-2). The allotments have been made under the provisions of the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000. The principal grievance in the instant writ petition is that the allotment price has been revised subsequently in an illegal and erroneous manner, and contrary to the provisions of the Rules where the expression “reserve price” is defined. This plea of the petitioners has been turned down by the Chief Administrator of the Haryana State Agricultural Marketing Board vide order dated 28.10.2011.

It is true that the petitioners have multiple grievances against re-fixation of allotment price but it appears to us that all these issues can be effectively determined by the Principal Secretary, Agricultural Department-

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cum-State Government, Haryana, in exercise of revisional powers under Section 40(3) of the Haryana Agricultural Produce Marketing Act, 1961. Since the petitioners have been pursuing this writ petition before this Court since the year 2014, it is directed that if the petitioners file revision petition within a period of two months from today, the Revisional Authority or the respondents shall not raise the objection of limitation and the revision petition shall be decided on merits by way of a speaking order after hearing counsel for the parties. It shall be appreciated if the Revisional Authority decides the revision petition within a period of four months from the date of its filing.

The payments made/to be made by the petitioners will be subject to final outcome of the revision petition or further proceedings.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

September 27, 2018 **(SUDIP AHLUWALIA)**
mohinder **JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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203 CM N.5913 of 2018 in
CWP No.1925 of 2014

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Subash Chand and others versus Chief Administrator, HSAM Board & ors.

Present : Mr.Rajesh Dhankar, Advocate,
for the applicant-petitioners.
Mr.Abhay Gupta, Advocate, for
Mr.Amar Vivek, Advocate,
for respondent Nos.1&2.
Mr.Sandeep Moudgil, Addl. AG, Haryana.

* * *

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and legal heirs of petitioner No.2-Ram Singh, who is stated to be expired on 08.09.2017, as per their details given in para No.2 of the application, are brought on record.

Amended memo of parties is taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

September 27, 2018 **(SUDIP AHLUWALIA)**
mohinder **JUDGE**

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