

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.21799 of 2014 (O&M)
Date of Decision: September 27, 2018

Ved Parkash Tyagi and othersPetitioners

versus

The State of Haryana and othersRespondents

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

Present: Mr.Aashish Chopra, Advocate, for the petitioners
Mr.Sandeep Moudgil, Additional AG, Haryana.
Mr.Abhay Gupta, Advocate, for
Mr.Amar Vivek, Advocate for respondent Nos.2 to 5.

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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 Anaj Mandi, Nissing, District Karnal being the old licensees. 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 24.09.2015.

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-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 Revisional Authority shall not be influenced by the earlier decision taken by Chief Administrator pursuant to the directions issued by this Court and shall decide the matter independently keeping in view the observation made by this Court in the order dated 12.08.2015.

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
mohinder

(SUDIP AHLUWALIA)
JUDGE

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