

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-2583-2018

Date of Decision: February 05, 2018

Fruit & Vegetable Retailer Association

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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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.Puneet Sharma, Advocate for the petitioner.

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SURYA KANT, J.

The petitioner claims to be a Fruit and Vegetable Retailer's Association, whose members are statedly operating in the New Sabzi Mandi Vallah, Amritsar. It goes without saying that the shop/booth sites or any other site within a New Grain Market are sold/allotted in accordance with the Rules formulated under the Punjab Agriculture Produce Markets Act, 1961 (for brevity,'the 1961 Act') through a transparent mode of allotment of public properties. The New Grain Market, Vallah has been developed in a regulated manner and its lay-out plan includes a 'parking area' for the shopkeepers who have paid hefty price for such shops sites. Some of these shopkeepers approached this Court through CWP No.803 of 2017 alleging

that *rehriwalas* and *phadiwalas* have occupied the entire 'parking area' in collusion and connivance with the Secretary of the Market Committee, though it was time and again claimed by the Market Committee that they had occupied the said site without its consent. This Court disposed of that writ petition with a direction to ascertain the correct facts and take lawful steps for removal of encroachment and clear the area for the purposes for which it was earmarked in the lay-out plan.

[2] In furtherance to those directions, the members of the petitioner-Association are said to have been asked to shift to an alternative site and their existing temporary structures are sought to be dismantled so as to clear the parking area. The aggrieved Association is before us.

[3] At the outset its learned counsel states that members of the petitioner-Association may be granted some reasonable time of at least one month, to shift their temporary structures so that no loss is caused to them. Since action for removing the encroachments is being taken in furtherance of contempt proceedings filed for giving effect to the directions issued in the above-cited writ petition on January 18, 2017, we dispose of the instant writ petition with a direction to the Market Committee, Vallah, Amritsar, to grant **four weeks** time to the members of the petitioner-Association to shift to the new site subject to their giving individual undertakings to the Secretary of the Market Committee within one week that they will shift to the new site at their own. For determination of other issues, the petitioner-Association may become a party to the contempt proceedings and raise all those issues in accordance with law.

petitioner under the signatures of the Bench Secretary on payment of usual charges.

(SURYA KANT)
JUDGE

February 05, 2018
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(SHEKHER DHAWAN)
JUDGE

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