

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9923 of 2016 (O&M)

Date of Decision: September 27, 2018

The Khandyann Vyapar Association (Regd.) and othersPetitioners
versus

State of Haryana and othersRespondents

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

Present: Mr.Piyush Aggarwal, Advocate, for the petitioners
Mr.Sandeep Moudgil, Additional AG, Haryana.
Mr.Abhay Gupta, Advocate, for
Mr.Amar Vivek, Advocate for respondent Nos.2 & 3.

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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 Nai Mandi, Narnaul 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.

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 2016, 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
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(SUDIP AHLUWALIA)
JUDGE

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