

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-83-2019 (O&M)
Date of Decision: 16.01.2019

M/s Bhagwan Singh Kohli & Company

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Singla, Advocate for the petitioner.

Mr. Sahil Sharma, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Pleaded case of the petitioner-partnership firm is that a lease had been entered into with the Govt. of Punjab, Department of Fisheries for running of a Fish Seed Nursery Farm at Neilla situated at the border of Punjab and Himachal Pradesh. Such lease was entered to be made effective from 1.1.2009 and for a period of 10 years i.e. up to 31.12.2018. The annual lease amount for the opening year was Rs.46,162/- with a clause of 10% increase every year. The lease period concededly has come to an end on 31.12.2018.

The instant writ petition had been filed raising a grievance that the request and claim of the petitioner firm for extension/renewal of the lease deed for a further period of 10 years has been declined and that directions have been issued to hand over the complete possession/charge of the Fish Seed Farm in question to the Senior Fisheries Officer, Rupnagar.

The case set up on behalf of the petitioner firm was that considerable investment has been made by the petitioner firm for setting up and running of the Fish Seed Farm. It was urged that even prior to the year 2009, the Fish Seed Farm was being run by the petitioner firm pursuant to

an earlier lease that had been entered into for a period of 10 years in the year 1999.

On the previous date of hearing i.e. on 8.1.2019 a copy of the writ paper book had been handed over to learned State counsel to complete instructions in the matter.

During the course of resumed hearing today, learned State counsel apprises the Court that the entire infrastructure in place at the Fish Seed Farm in question has been set up on state expenses.

Counsel for the petitioner has not been able to rebut such stand taken on behalf of the State.

No statutory provision/instruction/executive decision taken by the State has been adverted to and on the strength of which a Writ of Mandamus may be issued to accept the prayer of the petitioner firm for renewal/extension of the lease period that concededly has expired on 31.12.2018. To the contrary, as per terms and conditions of the lease deed to which the petitioner firm was a party, extension, if any, was envisaged only on mutually agreed terms and conditions.

Learned State counsel upon instructions from Mr. Jitender Singh Gill, Senior Fisheries Officer apprises the Court that a decision in principle has been taken to conduct an auction and thereafter to give on lease the Fish Seed Farm in question to the successful/eligible bidder. Court has further been informed that such auction would be conducted positively within a period of four weeks from today.

No exception to such course of action can possibly be taken.

No interference in the matter is warranted.

Petition is dismissed.

Suffice it to observe that it would be open for the petitioner-firm to participate in the forthcoming auction process subject to fulfillment of eligibility conditions.

(TEJINDER SINGH DHINDSA)
JUDGE

16.01.2019

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No