

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.1539 of 2019
Date of decision:-21.01.2019

M/s Ganpati Rice Mills and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

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

Present:- Mr. Suvir Sehgal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant writ petition has been filed assailing the order dated 24.12.2018 (Annexure P-3) passed by a committee of officials that had been constituted by the Principal Secretary, Food, Civil Supplies and Consumer Affairs and in terms of which certain paddy stock alleged to be in excess to the entitlement of the petitioners rice mills have been directed to be shifted. Challenge has also been laid to the notices dated 07.01.2019 i.e. Annexure P-4 and Annexure P-5 which are consequential to the order dated 24.12.2018 (Annexure P-3).

Learned counsel would submit that certain rice millers had approached this Court in terms of filing CWP No.28180 of 2018 and other connected petitions raising a grievance that the allotment of paddy for milling purposes in their favour had not been made as per policy formulated by the State Government. During the course of hearing/proceedings in the afore-noticed writ petitions a development took

place and in terms of which a committee of senior officers was constituted to look into the grievances/issues raised in the petitions and the petitioners therein were at liberty to appear before the said committee.

Apparently, it is in pursuance to such committee having been constituted that the order dated 24.12.2018 (Annexure P-3) has been passed and which has been challenged at the hands of the present petitioners.

The short grievance raised in the instant petition is that the order dated 24.12.2018 (Anenxure P-3) adversely affects them and such decision has been taken without even associating them in the committee proceedings that culminated in the passing of the order dated 24.12.2018 (Annexure P-3).

Notice of motion.

On the asking of the Court, Mr. Hittan Nehra, Addl.A.G.Punjab, accepts notice on behalf of all the respondents.

Learned State counsel upon instructions from Ajayveer Singh, Deputy Director, (Rice), Punjab, concedes that the petitioners herein had not been afforded an audience prior to passing of the order dated 24.12.2018 (Annexure P-3) by the Committee that had been dully constituted.

At this stage, Mr. Suvir Sehgal, learned counsel submits that he would be satisfied if the committee that had been so constituted even affords to the petitioners an opportunity of hearing prior to implementation of the order dated 24.12.2018 (Annexure P-3). Such prayer is not even opposed by learned State counsel.

In view of the above and without even examining the validity of

the impugned order dated 24.12.2018 (Annexure P-3), the instant writ petition is disposed of with a direction for the Committee to afford to the petitioners as also all other stake holders/rice millers pertaining to the same milling centre an opportunity of hearing. Same course of action be also adopted for other milling centres as well.

Final orders in pursuance to such fresh consideration and after affording an opportunity of hearing be passed within a period of three weeks from the date of passing of this order.

Till then the impugned order dated 24.12.2018 (Annexure P-3) shall not be given effect to and the same would be subject to the outcome of the fresh reconsideration that has been so directed.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.01.2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No