

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

**CWP No.21714 of 2016
Date of decision : 22.04.2019**

M/s Satguru Sortex & Rice Mill village Kumbherwal

...Petitioner

Vs.

State of Punjab and others

...Respondents

A N D

CWP No.22442 of 2014

M/s Satguru Sortex and Rice Mill

..Petitioner

Vs.

State of Punjab and others

..Respondents.

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

**Present: Mr.Dixit Garg, Advocate for
Mr.Aman Bansal, Advocate for the petitioner.**

Mr.Vikas Mohan Gupta, Addl.AG Punjab.

**Mr.Aman Mittal, Advocate for
Mr.Amrinder Singh Sidhu, Advocate for respondent Nos.5
and 6.**

JITENDRA CHAUHAN, J. (ORAL)

**By this common judgment, the aforesaid two writ petitions
bearing CWP Nos.21714 of 2016 and 22442 of 2014 are being disposed of**

together as common questions of law and facts are involved therein.

The facts are being taken from CWP No.21714 of 2016 for the sake of brevity.

This petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing the respondents to allot the paddy to the petitioner mill being nearest and only mill from Mandi Kumbherwal in view of Clause 5 of the Custom Milling Policy, 2016-17 (Annexure P-6).

Contents that the allotment had been made to the petitioner mill for the year 2014-15 and Markfed agency was allocated to the petitioner mill. It is further contended that the respondent also transferred the paddy to the rice mills for the year 2014-15, which are situated at a longer distance and outside district. Learned counsel for the petitioner further submits that as per the custom milling Policy 2013-14 it is clear that the petitioner who is having capacity of 2.0 Tonn, was legally entitled for allotment of 5000 MT paddy.

On the other hand, learned counsel for the respondents submits that the respondents purchased 7410 Mts of paddy in 2016-17 from Mandi Kubherwal and stored a total of 2303 MT of paddy in the mill and had to shift the balance paddy proportionately to its next storage points or other mills. He further submits that as per clause 14(b)(vii) of the Custom Milling Policy for KMS 2014-15, installed milling capacity of the mill shall not be any criteria for allocation of paddy and the new Rice Mills shall be allotted a maximum quantity of 2000 MT of paddy irrespective of its milling capacity. He further states that the respondents purchased 6790 Mts of paddy at Kumbherwal and stored 2000 MT of paddy in the petitioner rice

paddy had to be shifted to different Rice mills at Dhuri which is the next closest storage point.

Heard.

Considering the fact that paddy has been distributed by taking into consideration the principle of proportionate distribution and that the petitioner has failed to show any malafide against the respondent-department, no ground for interference is made out.

Dismissed.

Photocopy of this judgment be placed on the file of the connected case.

22.4.2019
Meenu

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No