

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL-7668-2018
Date of Decision: May 08, 2019

Akhtar Ali

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE.
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Mazlish Khan, Advocate, for the petitioner.

Mr. Sandeep Moudgil, Addl. AG, Haryana.

KRISHNA MURARI, C.J. (ORAL)

This writ petition in the nature of Public Interest Litigation has
been filed seeking the following reliefs:-

- “i. issuance of an appropriate writ, order or direction in the nature of Mandamus directing the respondents to set up the Purchase Centres in District Mewat, Nuh or in the adjoining area/market of District Mewat, Nuh and further direct the respondents to grant the Minimum Support Price i.e. Rs. 4000/- per quintal as approved by the Government of India for the productivity of the mustard seed.***
- ii. Further directions may also be issued to respondents to compensate those farmers who have sold their crop of mustard seeds below the minimum support price to the approved rate i.e. Rs. 4000/- per quintal in the market from the date when the sale of mustard seeds in the market has been started i.e. 14.03.2018.”***

In response to the notice of motion, a short reply by way of affidavit has been filed by the Chief General Manager, HAFED, Panchkula, on behalf of the respondents. It may be appropriate to quote Paragraph Nos. 3, 9 and 10 from the short reply, which reads as under:-

“3. That at the outset it is submitted that the Petitioner has not submitted the true and complete facts of the case before this Hon’ble Court and has misrepresented and concealed the material facts before this Hon’ble Court. The Petitioner has misrepresented to the Hon’ble Court that no purchase centres have been opened in or around District Nuh for procurement of mustard seed and the Government is treating the farmers with discrimination in District Nuh. In this regard it is submitted that the procurement of mustard seed is already being made from the purchase centres Tauru and Punhana in Nuh District and from Haily Mandi, Farukh Nagar and Sohna in Gurugram District. Therefore, the present petition is liable to be dismissed with costs on this ground also besides other grounds.

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XXX XXX XXX XXX

9. That in view of the arrival of mustard seed in various mandis and on receipt of requests from the District Administration from time to time, more purchase centres for procurement of mustard seed were opened in the interest of the farmers of the State, making total number of 46 purchase centres in 14 districts of Haryana. These purchase centres also include Tauru and Punhana in District Nuh and Haily Mandi, Farukh Nagar and Sohna in District Gurugram.

Therefore, no discrimination has been made with the farmers of Nuh district as alleged by the Petitioner. A copy of the letters dated 14.03.2018, 16.03.2018, 22.03.2018, 27.03.2018, 28.03.2018 and 02.04.2018 vide which more purchase centres were opened in the State is annexed herewith as Annexure R-5 (Colly) for kind perusal of this Hon'ble Court.

- 10. That as on 09.05.2018, Hafed has procured 2.04 lakh metric tonne mustard seed, at minimum support price of Rs.4000 per quintal including bonus of Rs.100 per quintal, directly from the farmers of the State under the PSS guidelines of Government of India on behalf of Nafed out of which 13,569 metric tonne mustard seed has been procured from Nuh and Gurugram districts. This procurement shall continue till 10.05.2018. A copy of the procurement report of mustard seed dated 10.05.2018 is annexed herewith as Annexure R-6 for ready reference of this Hon'ble Court."**

From a perusal of the aforesaid averments from the reply filed on behalf of the respondents, it is more than apparent that the grievances being raised in this PIL are substantially addressed even before the jurisdiction of this Court was invoked, inasmuch as, there are 46 purchase centres spread over 14 districts of Haryana, which include Tauru and Punhana in District Nuh and Haily Mandi, Farukh Nagar and Sohna in District Gurugram. It is also to be taken note of, as stated in paragraph 10, that a minimum support price of Rs.4000 per quintal including bonus of Rs.100 per quintal, is being paid to the farmers by Hafed on direct purchase of mustard seed from the farmers of the State of Haryana, under the PSS

guidelines of Government of India. Out of total purchase of 2.04 lakh metric tonne, 13,569 metric tonne mustard seed has been procured from Nuh and Gurugram districts.

In view of the aforesaid facts and averments, we see no reason for this PIL to continue on the Board any further as the entire grievances raised by the petitioner stands addressed and the petition accordingly stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 08, 2019

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO