

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CWP-30840-2019

Date of Decision: November 18, 2019

Sanjiv Kumar and another

.....Petitioner(s)

versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SANJAY KUMAR

Present: Mr. Daman Dhir, Advocate and
Mr. Raman Dhir, Advocate for the petitioners.

Ms. Deepali Puri, Addl. AG. with
Mr. Luvinder Sofat, AAG, Punjab for respondents No.1 to 6

Mr. D.K. Singal, Advocate
for respondent No.7-SBI.

SANJAY KUMAR, J. (Oral)

The petitioners are aggrieved by the inaction of the authorities in registering the second petitioner-Rice Mill under the provisions of the Punjab Custom Milling Policy for Paddy (Khariff 2019-20), for the purpose of enabling it to undertake custom milling of paddy during the ensuing khariff season. The second prayer of the petitioners is with regard to registration of the sale deed dated 24.04.2019 (Annexure P-6) executed in their favour by the State Bank of India, Stressed Assets Recovery Branch, Jalandhar, the seventh respondent.

2. Insofar as the first prayer is concerned, the issue stands settled by the decision in *CWP No.30208-2019*, titled *M/s Shiv Shankar Industries Vs.*

State of Punjab and others. A copy of the said decision is placed on record.

For reasons alike as were stated in the aforestated order and in terms thereof, there shall be a direction to the competent authority, viz, the Director, Food, Civil Supplies and Consumer Affairs, Government of Punjab, the fifth respondent, to take a decision upon the issue of registration of the second petitioner-Rice Mill in terms of Clause 7(i) of the aforestated policy. This exercise shall be completed expeditiously and in any event, not later than one week from the date of receipt of a copy of this order.

3. Insofar as the second prayer is concerned, perusal of the order dated 17.9.2019 passed by the Registrar-cum-Deputy Commissioner, Hoshiarpur, rejecting the appeal filed by the second petitioner-rice mill under Section 72 of the Registration Act, 1908 demonstrates that the authority was of the opinion that as second petitioner-rice mill had failed to produce a court order setting aside Rapat No.58, the Sub-Registrar, Mahilpur, District Hoshiarpur, was justified in refusing registration of the sale deed. However, the appellate authority specifically stated that in the event a competent Court of law set aside Rapat No.58, it would be open to the second petitioner-rice mill to get its sale deed registered by producing the said order before the Sub-Registrar, Mahilpur, District Hoshiarpur.

4. Mr. Daman Dhir, learned counsel for the petitioners, would now assert that Rapat No.58 has been set aside by the learned Civil Judge (Senior Division), Hoshiarpur, vide order dated 14.11.2019 passed in ***CIS No.EXE/29/2019***. That being so, the registration authorities can have no grievance with regard to the registration of the subject sale deed.

5. As liberty has already been given to the second petitioner-rice

mill to approach the Sub-Registrar concerned afresh in the event Rapat No.58 is set aside, it is left open to the second petitioner-rice mill to approach the Sub-Registrar, Mahilpur, District Hoshiarpur, and present the sale deed dated 24.04.2019 afresh for registration, as per due procedure.

- 7. The writ petition is disposed of accordingly.
- 8. No order as to costs.

November 18, 2019
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[SANJAY KUMAR]
JUDGE

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