

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-30896-2019

Date of Decision:-24.10.2019.

Om Rice & General Mill

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sumeet Goel, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

SANJAY KUMAR, J. (Oral)

The petitioner rice mill seeks a direction to the authorities to register it for allocation of *paddy* during the *kharif* market season (2019-20).

Perusal of the record reflects that the District Food & Supplies Controller, Kaithal, addressed the Director General, Department of Food, Civil Supplies & Consumer Affairs, Haryana, the second respondent herein, on 3.10.2019, seeking instructions as to whether the petitioner rice mill could be registered. He recorded therein that the premises of the petitioner rice mill were sought to be acquired for the purpose of a National Highway but *status quo* was directed to be maintained in respect of the said acquisition by the High Court, vide CWP-31709-2018. He however noted that the petitioner rice mill was willing to get the paddy milled through other rice mills in the event its premises were acquired.

The petitioner rice mill again approached the District Food & Supplies Controller, Kaithal, by way of representation dated 16.10.2019 renewing its request for registration. However, vide letter dated 18.10.2019, the District Food & Supplies Controller, Kaithal, informed the petitioner rice mill that the second respondent was yet to pass an order in the matter and therefore, its request for registration would not be processed.

Given the aforestated factual scenario, it is not open to the second respondent to sleep over the matter when the valuable rights of the petitioner rice mill, in relation to the current marketing season (2019-20), are at stake. Respondent No.2 necessarily has to apply its mind to the letter dated 3.10.2019 addressed to him by the District Food & Supplies Controller, Kaithal, and take a decision thereon.

The writ petition is accordingly disposed of directing the second respondent to consider the letter dated 03.10.2019 addressed by the District Food & Supplies Controller, Kaithal, on its own merits and in accordance with law and take an appropriate decision thereon, if not already taken, expeditiously and in any event, not later than one week from today.

Copy of this order shall be given to the learned State counsel for information and necessary compliance.

(SANJAY KUMAR)
JUDGE

October 24, 2019.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.