

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31652-2019

Date of decision: 6.11.2019

M.V. Rice Mills and others

.....Petitioners.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Siddharth Gupta, Advocate for the petitioners.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Ms. Deepali Puri, Advocate for PUNSUP.

Mr. A.S.Sarao, Deputy Director (Rice),
Department of Food and Civil Supplies, Punjab in person

.....

Sanjay Kumar, J. (ORAL)

This writ petition was filed seeking a direction to the official respondents No. 2 to 7 to attach the purchasing centers of Mullowal and Kumbarwal, District Sangrur, with the Milling Center, Sherpur, District Sangrur, instead of the Milling Centre, Dhuri, District Sangrur, in compliance with Clause 11(c) of the Punjab Custom Milling Policy for Paddy (Kharif 2019-2020).

Mr. Luvinder Sofat, learned Assistant General, Punjab, sought time to seek instructions in the matter, when the case was taken up for hearing on 1.11.2019. Today, Mr. Sofat, learned Assistant General, Punjab, and Ms. Deepali Puri, learned counsel representing respondent No. 4, would inform this Court that the decision taken by the Deputy Director (Rice), Department of Food, Civil Supplies and Consumer

Affairs, Punjab, embodied in the Memo dated 18.10.2019, was upon full consideration of the relevant facts and that in the event the petitioners have any grievance therewith, they are provided an efficacious alternative remedy under Clause 24(b) of the Policy itself.

Perusal of the said Clause reflects that an appeal is provided to the Principal Secretary, Department of Food Supplies and Consumer Affairs, Punjab, Punjab Civil Secretariat, Chandigarh, against an order passed by the Director, Department of Food Supplies and Consumer Affairs, Punjab, Punjab Civil Secretariat, Chandigarh. *Per contra*, learned counsel representing the petitioners would contend that the impugned action would actually result in financial loss to the State.

These are aspects which involve disputed questions of fact which cannot be resolved by this Court in a writ petition filed under Article 226 of the Constitution of India. Though the wording of Clause 24(b) is to the effect that an appeal thereunder would lie against an order passed by the lower authority, this Court is of the opinion that any alleged inaction on the part of an authority in terms of the Policy would also be amenable to the remedy of appeal. As the petitioners seem to be aggrieved by the decision of the Director, Department of Food Supplies and Consumer Affairs, Punjab, Punjab Civil Secretariat, Chandigarh, as set out in the Memo dated 18.10.2019, it would be open to them to approach the Appellate Authority, viz., the Principal Secretary, Department of Food Supplies and Consumer Affairs, Punjab, Punjab Civil Secretariat, Chandigarh, against the same. As this Court is informed by the learned counsel representing the petitioners that there would be a time factor involved in as much as the milling season would be over

within a short time, any appeal filed by the petitioners against the aforesaid decision of the Director, Department of Food Supplies and Consumer Affairs, Punjab, Punjab Civil Secretariat, Chandigarh, shall be disposed of by the Appellate Authority expeditiously, and in any event, not later than four days from the date of receipt thereof.

The writ petition is disposed of with the above directions.

No order as to costs.

(SANJAY KUMAR)
JUDGE

6.11.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no