

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-26925-2019

Date of Decision: 06.02.2020

M/s Balbir Singh & Sons

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Mr. Surinder Garg, Advocate for the petitioner.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

RAJAN GUPTA, J. (Oral)

Petitioner has prayed for a writ in the nature of certiorari for quashing order dated 2.5.2019 (Annexure P-15) passed by respondent No.1 vide which its claim for allotment of plot in New Grain Market, Goniana Mandi, was rejected. Petitioner has assailed the order, operative part thereof reads as under:-

“3. After perusing the record and considering all the relevant facts, I am of the considered opinion that the documents submitted by the petitioner qua his claim regarding eligibility under Rule 3 (iii) of the Allotment Rules, create suspicion about the authenticity of such documents on two facts. Firstly, such documents were the base of the claim of the petitioner for eligibility as per

allotment rules, but the same were never produced before any authority for about 6 years and secondly, the report of the Chief General Manager (Finance and Accounts) of Punjab Mandi Board is very clear that the authenticity of such documents i.e. J. Forms produced by the petitioner is doubtful as the corresponding entries of these forms were not available in Boli Register of Market Committee as also copies of these documents are not available in the record of Market Committee. Therefore, I do not find any weightage in the claim of petitioner and dismiss the present petition.”

Learned counsel for the petitioner has vehemently argued that he had been transacting business in the old Mandi and had considerable turnover. However, all these facts have not been taken into consideration by the concerned authority.

Assistance of the State counsel has been sought. He has drawn attention to the court of the enquiry conducted by the Chief General Manager (Finance and Accounts), Punjab Mandi Board before the impugned order was passed.

A perusal of the enquiry report shows that no entry was found in the office of the Market Committee regarding trade by the petitioner during the year 2005-06 and subsequent years as well, i.e., 2006-07 and 2007-08. The Enquiry Officer, thus, came to the conclusion that the M-Returns/K-Form/ Bills have not been attached by the petitioner firm as in proof of their sale/ purchase in Market Committee, Goniana.

Keeping in view the entire facts and circumstances of the case,

the Secretary, Agriculture-respondent No.1 did not find any substance in the claim of the petitioner and dismissed the petition. We find no ground to interfere.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 6, 2020
gbs

(KARAMJIT SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No