

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 17873 of 2020 (O&M)

Date of Decision: 29.10.2020

DHANESAR RICE MILLS

..... Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH.

Present: Mr. Puneet Jindal, Senior Advocate with
 Mr. A.S. Meho, Advocate,
 for the petitioner.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioner has challenged the order dated 07.10.2020 (Annexure P-18) passed by the District Manager, PUNGRAIN, Sangrur whereby his online application for allotment of paddy for custom milling for Kharif 2020-21 has been rejected based on the earlier rejection order dated 10.01.2020 (Annexure P-14) passed by respondent No. 2, while hearing the appeal with regard to custom milling for Kharif 2019-20.

Admittedly, the appeal against the impugned order is maintainable before the Director, Food and Supplies and Consumer Affairs, Punjab. Learned counsel for the petitioner has submitted that the said alternative remedy has not been availed by the petitioner as he is having an apprehension in his mind that the authorities will dismiss his appeal as well as the second appeal in the same manner as was done during the last year.

Learned counsel for the petitioner further submitted that no stay is there against the petitioner in any civil litigation between Gurcharan Singh

and his father, Darshan Singh. Rather, the Civil Court has given findings in favour of Darshan Singh vide order dated 17.11.2017 (Annexure P-9) and order dated 19.04.2018 (Annexure P-10). Even the revenue authorities issued report dated 17.10.2017 (Annexure P-4) in favour of Darshan Singh and his son Amar Singh.

It is also brought to the notice of the Court that even in the revision petition relating to the partition proceedings, the Divisional Commissioner, Patiala Division, Patiala has clearly observed that the interim order dated 30.10.2019 is amended to the extent that the stay order shall not have any effect on the process of allotment of paddy by the State agencies. The said order dated 15.11.2019 is annexed as Annexure P-7.

In the light of the aforesaid, this writ petition is hereby disposed of with liberty to the petitioner to file appeal against the impugned order dated 07.10.2020 (Annexure P-18) before the appellate authority i.e. respondent No. 3. However, it is made clear that the appellate authority should not be swayed away by the observations made by it and respondent No. 1 with regard to rejection of allotment of paddy to the petitioner for the year 2019-20. The appellate authority should dispose of the appeal in accordance with law in time bound manner but not later than 20 days from the date of its filing.

October 29, 2020

Ess Kay

**[KARAMJIT SINGH]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No