

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

103

**CWP No.4096 of 2021
Decided on : 22.02.2021**

Avtar Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

The claim of the petitioners under Article 226/227 of the Constitution of India is for clearing the outstanding balance on account of the Sugar Mills, not making due payments for the agricultural produces supplied.

Firstly, the concerned Sugar Mills have not been made party though the name of one such mill has been mentioned. Secondly, the writ or legal notice does not give any detail as to how much of the quantity of sugarcane was supplied by which of the petitioners who are 13 in numbers and the appropriate receipt on the basis of which the claim can be made. Neither the value of the product/produce supplied as such has been mentioned. On an earlier occasion, the petitioners had approached this Court through Guru Nanak Welfare Society (Regd.) by way of filing CWP-PIL No.116 of 2020 wherein the first Division Bench had passed the order dated 10.09.2020. The same reads as under:-

*“With the consent of learned counsel for the parties,
the matter is being taken up and heard via video
conferencing.*

Learned counsel for the petitioner prays for and is permitted to withdraw the petition with liberty to the individuals to take up their cause and claim and to pursue their legal remedies before the appropriate forum.

Dismissed as withdrawn with the liberty aforesaid.”

In spite of the said liberty given, the legal notice dated 04.11.2020 (Annexure P-2) served upon the respondents is bereft of such details.

In such circumstances, this Court is of the opinion that in the absence of any specific details of raw produce supplied to the concerned sugar mills and necessary receipts as such for such supply, the writ petition is not maintainable.

Faced with this situation counsel does not press the present writ petition and prays for liberty to file a fresh one on the same cause of action after incorporating the necessary details.

22.02.2021

Parveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No