

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

**CWP-15574-2021(O&M)
Date of Decision:16.08.2021**

M/s Baba Nanak Fruit Agency

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr.Sanjay Jain, Advocate for the petitioner.

Mr.Padamkant Dwivedi, Advocate for respondents No.2 and 3.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

As per pleadings on record, petitioner was doing the business of Kachha Arhtiya in the Old Subzi Mandi, Panipat. The New Grain Market, Panipat having been developed, the respondent-authorities took a decision for allotment of plots to the old licencees in the New Subzi Mandi, Panipat on the reserve price through draw of lots subject to fulfilment of certain eligibility conditions. Apparently vide order dated 22.12.2011 (Annexure P-3) passed by the District Marketing Enforcement Officer, Haryana State Agricultural Marketing Board, Karnal, petitioner was held ineligible to participate in the draw of lots for allotment in the New Subzi Mandi, Panipat at the reserve price.

Positive case is that petitioner then preferred a statutory appeal under Section 40 of the Punjab Agriculture Produce Market Act, 1961 read

with Rule 11 of the Haryana State Agriculture Marketing Board (Sale of Immovable Property Rule) 2000, (Annexure P-4) in the year 2012.

Instant writ petition seeks a limited relief of issuance of a writ of mandamus for directing the 2nd respondent i.e. the Chief Administrator, Haryana State Agricultural Marketing Board to take a final decision on the appeal bearing No. AL 1061 of 2012 which is stated to be still pending.

Since an advance copy of the petition had been served upon the respondents, Mr. Padamkant Dwivedi, Advocate has joined proceedings on behalf of respondents No.2 and 3 and concedes to the factual premise that the appeal till date has not been decided. No explanation, however, is forthcoming for such inordinate delay in having kept the appeal pending.

Mr.Dwivedi, however, furnishes an undertaking that the statutory appeal at Annexure P-4, that had been preferred by the petitioner, would be decided positively within a period of six weeks from today after affording an opportunity of hearing and the final order would be duly communicated to the petitioner.

Statement is accepted.

No further directions are required to be passed.

Petition disposed of.

It is, however, clarified that we have not examined the claim of the petitioner on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

16.08. 2021
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No