

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

**CWP-1471-2022 (O&M)
Date of Decision:09.03.2022**

Shanti Devi & others

... Petitioners

Versus

State of Haryana & others

... Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.
HON'BLE MR. JUSTICE LALIT BATRA.**

Present:- Mr. Sushil Jain, Advocate for the petitioners.

Mr. Aman Bahri, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioners who are 124 in number claim to be licensees under the Haryana Agricultural Produce Markets Act, 1961 i.e. Kacha Arhtia Category-II license holders. They are stated to be operating from plots in Market Committee, Safidon, District Jind, Haryana.

Petitioners are aggrieved of notices served upon them demanding the enhancement cost on account of enhanced compensation paid to the land owners. By way of instance, a notice dated 18.03.2021 has been appended as Annexure P-2. Categorical assertion is that identically worded notices have been served upon all the petitioners.

Perusal of the pleadings on record would reveal that the notices seeking enhancement have been responded to in terms of reply dated NIL at Annexure P-3 and received in the Market Committee, Safidon vide receipt No.48, dated 10.09.2021 at the hands of petitioner No.1 herein. It is asserted that identical replies were filed by all the petitioners and submitted in the

office of the Market Committee, Safidon.

Since an advance copy of the writ paper book had already been served upon the respondents, Mr. Aman Bahri, learned Additional Advocate General, Haryana enters appearance on behalf of the respondents. Learned State counsel does not dispute that the petitioners have submitted replies and have responded to the notices served upon them demanding the enhanced cost.

In our considered view, the validity and legality of the notice for a demand of enhancement served upon the petitioners need not be gone into by us at this stage. We take such a view as concededly the petitioners have responded to the notices and have submitted replies/representations and in which apart from other grounds, it has been asserted that no supporting calculation sheet justifying the enhancement cost component has been supplied and furthermore, discrimination has been alleged inasmuch as the burden of the enhanced cost is being fastened upon only 151 allottees of the plots i.e. the old licensees whereas the burden ought to be shared amongst 337 shops+67 booths in Market Committee, Safidon. The respondent/Marketing Board/competent authority, Safidon ought to examine such representations/response filed by the petitioners and to take a final decision thereupon after affording an opportunity of hearing to the petitioners.

Learned State counsel submits that needful shall be done. The reply submitted by the petitioners to the impugned notices raising a demand towards the enhancement component would be examined and thereafter a decision would be taken in accordance with law within a period of two

months from today.

Statement is accepted.

Writ petition is disposed of.

It is clarified that in case the petitioners were to submit any supplementary response to the impugned notices as regards the enhanced component within a period of 10 days from today, the same would also be taken into consideration.

Pending application(s), if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.03.2022
harjeet

(LALIT BATRA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |