

LPA No.99 of 2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

LPA No.99 of 2022 (O&M)
Date of decision : 09.02.2022

Jai Pal Midha

.....Appellant

VERSUS

State of Punjab and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. Daman Dhir, Advocate, for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-254-LPA-2022

Prayer in this application is for exemption from filing certified/original copies of List of Dates and Events, Writ Petition along with Annexures attached thereto.

For the reasons stated in the application, the same is allowed. Exemption is granted from filing certified/original copies of List of Dates and Events, Writ Petition along with Annexures attached thereto, subject to all just exceptions.

LPA No.99 of 2022

Challenge in this appeal is to the order dated 21.01.2022 passed by the learned Single Judge, where, while issuing notice of motion, the prayer of the appellant (petitioner in the writ petition) for staying the

LPA No.99 of 2022 (O&M)

allotment of paddy to respondents No.5 and 6 has not been acceded to, rather it has been stated that the claim of the petitioner (appellant herein) would be subject to the outcome of the writ petition.

Learned senior counsel for the appellant submits that the allotment of paddy to respondents No.5 and 6 is in violation of the terms and conditions of the Policy, especially Clauses 4 (h) and 5 (xvi) thereof. His further contention is that even the Director, Department of Food Civil Supplies and Consumer Affairs, Government of Punjab, which is the First Appellate Authority against the decision of the District Allotment Committee, has found the said respondents ineligible for the allotment of paddy, however, in the second appeal, which has been preferred by the said respondents, the Second Appellate Authority i.e. Secretary, Department of Food Civil Supplies and Consumer Affairs, Government of Punjab, has proceeded to set aside the said order by coming to a conclusion that the appellant has no *locus standi* to file the appeal before the Director. The Appellate Authority has not gone into the merits of the case, as has been discussed by the Director and has proceeded to restore the allotment in favour of respondents No.5 and 6. He, on this basis, asserts that the order dated 21.01.2022 passed by the learned Single Judge need to be interfered with and the impugned orders deserve to be stayed.

We have considered the submissions made by the learned senior counsel for the appellant but do not find ourselves in agreement with him as he has not been able to convince us that as to how an irreparable loss would be caused to the appellant, in case the said orders are not stayed. The *prima facie* opinion of this Court is that this is an adversarial litigation,

LPA No.99 of 2022 (O&M)

which is being sought by the appellant, as it is an admitted position that a civil suit has been preferred by him for specific performance, where stay has been granted by the Civil Court in his favour. Nothing has been pointed out which would indicate that the appellant is an applicant for allotment of paddy and therefore, we do not find any ground for interfering in the order dated 21.01.2022 passed by the learned Single Judge.

The present appeal being devoid of merit, therefore, stands dismissed.

CM-255-LPA-2022

In the light of the dismissal of the main appeal, no order is required to be passed in the present application for staying the operation of the impugned orders dated 17.12.2021 and dated 13.10.2021 as the same has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

09.02.2022

Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No