

[147] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.2288 of 2022

Date of Decision :09.11.2022

M/s Luxmi Fruit Company

...Petitioner

versus

Dr. Sumita Mishra, IAS, Addl. Chief
Secretary to Govt. of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Ravinder Malik, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiation of proceedings against the respondents for intentional and willful defiance of order, Annexure P-7, dated 10.08.2017, in CWP No.22682 of 2015 in case titled as '**M/s Luxmi Fruit Company** versus **State of Haryana and others**'.

[2] A perusal of order (Annexure P-7) reveals that CWP No.22682 of 2015 was disposed of in terms of the statement made by the counsel for the respondents that the petitioner was eligible for allotment of a plot on preferential basis under the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000.

[3] Learned counsel for the petitioner contends that SLP filed against the said decision was dismissed vide order 30.06.2021 whereafter order was passed by the Chief Administrator (Annexure P-9) dated 18.10.2021, holding the petitioner entitled to allotment of plot on reserve price. However, respondent No.3 in intentional and willful defiance of order (Annexure P-7) has allotted plot No.119 in Vegetable Market, Hisar allegedly on reserve price basis but which is factually not correct therefore

1971.

[4] A perusal of order (Annexure P-7) reveals that the writ petition filed by the petitioner was disposed of vide order dated 10.08.2017 in view of the statement of the respondents that the petitioner was eligible for allotment of a plot on preferential basis under the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000.

[5] Despite query, learned counsel for the petitioner has not been able to refer to any provision under the rules *ibid* to show as to how allotment of the plot vide Annexure P/10 is not on preferential basis or not in accordance with the rules.

[6] In the light of the position noted above, no infirmity can be found with order (Annexure P-10). Instant petition is accordingly *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971, while leaving it open to the petitioner to avail his remedy in respect of order (Annexure P-10) by way of appropriate proceedings, in accordance with law if so advised.

(B.S. Walia)
Judge

09.11.2022

'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>