

101.

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

CWP-29000-2022 (O&M)

Date of Decision: 22.12.2022

M/S SHREE BALAJI FOOD PROCESSING INDUSTRIES Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rose Gupta, Advocate, and Ms. Garima Modi, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

CM-20474-2022

This is an application that has been filed for preponing the date
of hearing of the main case, which is fixed for 14.03.2023.

Notice in the application.

Ms. Deepali Puri, Additional Advocate General, Punjab, who is
present in Court, accepts notice on behalf of the respondents.

For the reasons mentioned in the application, the same is
allowed. Hearing of the main case is preponed and the same is taken up for
hearing today itself.

CWP-29000-2022

The present writ petition has been filed under Articles 226/227
of the Constitution of India seeking a writ in the nature of mandamus
directing the respondent authorities to allocate paddy to the petitioner-Mill in
terms of its entitlement by adhering to Punjab Custom Milling Policy for
Kharif 2022-23.

Counsel appearing on behalf of the petitioner herein would submit that in this respect, the petitioner has approached the authorities concerned number of times and even by way of legal notice dated 30.10.2022, but no action has been taken thereon till date. He would pray that at this stage, the petitioner would be satisfied in case the very writ petition itself is treated as a representation and a speaking order is passed thereon.

Notice of motion.

At this stage, Ms. Deepali Puri, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondents.

Let adequate number of copies of the paper book be supplied to her during the course of the day.

Admittedly, the petitioner-Mill is entitled to 3143 metric tonnes of paddy for milling as per its capacity. As on date, as per the averments made, the petitioner-Mill has been allotted only 81.75% of its capacity whereas the other millers are alleged to have been given either the full allotment or in excess. As per the policy, any grievance regarding inadequate allocation is to be dealt under clause 11-B and a decision is to be taken by the DDF-cum-Chairman, DAC of the District concerned and in case of an appeal against the decision taken, the Director, Food, Civil Supplies and Consumer Affairs, Punjab is the competent authority and, thereafter, the Administrative Secretary of the department. The legal notice dated 30.10.2022, Annexure P-5, asking for proper allocation, has not been decided as on date and it is time of almost 6 weeks that has elapsed after the notice had been sent.

Since there is urgency in the matter and a decision on the said legal notice ought to have been taken at the very outset and communicated to the petitioner herein, the instant petition is disposed of with a direction that the instant writ petition itself shall be treated as a representation on behalf of the petitioner and the claim of the petitioner would be decided by respondent No.4 by passing a speaking order, preferably by 27.12.2022. The order be communicated to the petitioner who would then be at liberty to seek redressal and file his appeal before the Director and in case the appeal is filed, the same be decided within two days thereafter. In case the petitioner is still aggrieved, and files a second appeal before the Administrative Secretary, the same be decided within a period of two days thereafter.

(JAISHREE THAKUR)
JUDGE

22.12.2022

sanjeev Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No