

103.

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

**CWP-28630-2022**

Date of Decision: 13.12.2022

M/S DHILLON RICE MILLS

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Siddharth Gupta, Advocate, for the petitioner.

----

**JAISHREE THAKUR.J (Oral)**

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-Mill would rely upon clause 13-B of the said policy in support of his arguments. It is contended that in fact the petitioner, who had not been allocated paddy in terms of the policy, has already sent a legal notice to the authorities concerned, however, the same has not been decided as on date which necessitated him filing the appeal before the Director, Department of Food, Civil Supplies and Consumer Affairs, Punjab, which too is undecided. It is submitted that the delay caused in deciding the appeal and allocating paddy to the petitioner-Mill in terms of its entitlement and policy, is causing a great

hardship. It is further argued that there is no compliance of clause 13 of the policy in question.

Notice of motion.

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

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

I have gone through the pleadings in the writ petition and heard the counsel for the parties.

Admittedly, the petitioner-Mill is entitled to 2790 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 80% 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 27.10.2022, Annexure P-2, 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, let the legal notice dated 27.10.2022, Annexure P-2 be

decided by the DAC expeditiously preferably by 15.12.2022. 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.

The present petition stands disposed of accordingly.

A copy of this order be given dasti to the counsel for the parties under the signatures of the Bench Secretary of this Court.

**(JAISHREE THAKUR)**  
**JUDGE**

**13.12.2022**

sanjeev

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