

CWP No. 7879 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 7879 of 2022 (O&M)
Date of decision: 21st February, 2023

M/s Jatinder Fruit Traders

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Karan Bhardwaj, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG, Punjab.
Mr. Rakesh Roy, Advocate for
Mr. Abhilaksh Gaid, Advocate for respondents No. 2 and 3.
Mr. Nitin Sachdeva, Advocate for respondents No. 6 to 8.

AVNEESH JHINGAN, J (Oral):

This writ petition in the nature of *Certiorari* is filed seeking quashing of order dated 13.4.2022 passed by District Mandi Officer, Ludhiana.

The facts in brief are that the petitioner was having licence of *kacha aarhtiya* and was working since 27.7.1998. After shifting of Mandi, the petitioner was allotted shed No. 11 under Section 10 of the Punjab Agricultural Produce Markets Act, 1961 (for short, 'the Act'). The petitioner filed an application for renewal of the licence. The licence was cancelled by District Mandi officer on 13.4.2022 for fifteen days and it was directed that the file be sent to the Secretary of the Punjab Mandi Board. Before even cancellation of the licence, the same shed was allotted on 7.4.2022 to M/s Shiv Fruit Agency.

Learned counsel for the petitioner submits that as per Section 10 of the Act, the Secretary of the Board was empowered to suspend or cancel the licence, the impugned order is without jurisdiction.

Learned counsel for the Board submits that cancellation is only for fifteen days. He further submits that the licence of the petitioner had already expired on 31.3.2021. However, he is not in a position to dispute the fact that order of cancellation of licence was passed by District Mandi Officer which is contrary to the provisions of Section 10 of the Act.

Without commenting on the merits of the case and only on the ground that the order is passed by the officer not competent to pass such order, the impugned order is set aside.

The writ petition is allowed.

Needless to say that the respondents shall be at liberty to proceed in accordance with law.

Since the main case has been allowed, the pending application(s), if any, rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

21st February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |