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

CWP-26721-2022

Date of Decision: 23.01.2023

M/s Bala Ji Rice Mills and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Daman Dhir Advocate,
for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab.

Ms. Brea Sandhu, Advocate for
Ms. Deepali Puri, Advocate,
for the respondents-PUNSUP.

Mr. Amanpreet (A.P.) Singh, Advocate,
for respondent Nos.4 & 8.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ especially in the nature of certiorari for quashing the action of the respondents in violating the Clauses of the Punjab Custom Milling Policy for Kharif 2022-23 (Annexure P-1) with a further prayer for issuance of a writ in the nature of mandamus for directing the respondents to comply with and/or implement the clauses of the aforesaid Policy.

Learned counsel for the petitioner has submitted that it is a case where the petitioner is a rice mill and is aggrieved by the action of the respondent since allocating of paddy was disproportionate. He further

submitted that the petitioner had also given a legal notice vide Annexure P-3 but the same has not been replied by the respondent in this regard.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has stated that in case the petitioner was aggrieved by any action of the respondent regarding disproportionate allocation of paddy, then an alternate remedy was available to him by virtue of Proviso 2 Clause 11(b) of the Custom Milling Policy, 2022-23 but the petitioner has not approached the DDF-cum-Chairman DAC in this regard.

However, the learned counsel for the petitioner has submitted that he had approached the DDF-cum-Chairman DAC by way of a legal notice and by way of a representation but no action has been taken in this regard.

The said factual position as to whether any representation was given to the DDF-cum-Chairman DAC or not is not available on the record.

However, at this stage, learned counsel for the petitioner as well as the learned State Counsel have submitted that the present writ petition can be disposed of now with a liberty to the petitioner to file a fresh application/representation to the DDF-cum-Chairman DAC so that the appropriate action may be taken on that application in accordance with law.

In view of the aforesaid position and as stated by learned counsel for the petitioner as well as the learned State counsel, the present petition is disposed of with a liberty to the petitioner to file a fresh representation/application to the aforesaid authority i.e. DDF-cum-Chairman DAC within a period of two weeks from today.

In the event of filing of such representation/application to the

aforesaid authority, the same shall be considered and decided by the aforesaid authority within a period of next two weeks after giving due opportunity of hearing to the petitioner.

The aforesaid authority shall pass a well-reasoned speaking order on the representation/application, if any, filed by the petitioner within the aforesaid time framework.

23.01.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |