



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(i) CWP-10610-2024

M/s Sirichand Parmod Kumar ..... Petitioner

Versus

State of Haryana and others ..... Respondents

(ii) CWP-10628-2024

M/s Parmod Kumar Jain & Co. .... Petitioner

Versus

State of Haryana and others ..... Respondents

Date of Decision : 08.05.2024

CORAM : HON'BLE MR. JUSTICE ARUN PALLI  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

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Present : Mr. Amit Jaiswal, Advocate  
for the petitioners.

Mr. Ankur Mittal, Addl. Advocate General, Haryana with  
Ms. Kushaldeep Kaur, Advocate and  
Mr. Karan Jindal, AAG, Haryana  
for respondent No.1-State.

Mr. Randeep Tanwar, Advocate  
for Mr. P.K.Dwivedi, Advocate  
for respondents No.2 and 3.

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VIKRAM AGGARWAL, J

1. This order shall dispose of two civil writ petitions, titled above,  
filed under Article 226 of the Constitution of India for quashing of orders  
dated 05.05.2023, passed by respondent No.2-Haryana State Agricultural



Marketing Board, vide which the appeals/representations filed by the petitioners were dismissed. They also seek a mandamus directing respondent No.2 to re-hear the appeals/representations and pass a well reasoned speaking order.

2. The petitioners claim to be commission agents of Category (ii) carrying on their business under respondent No.3 i.e. The Market Committee, Ganaur, Sonapat since 1976 and 1997 respectively. On establishment of a new grain market at Ganaur, the petitioners submitted applications for allotment of plot/shop on preferential basis which came to be rejected in 2001.

3. The petitioners initially approached this Court by way of CWP No.308 of 2001 and CWP No.187 of 2001 respectively, challenging the orders of rejection. The said writ petitions were, however, dismissed as withdrawn with liberty to avail the remedy of revision.

4. Thereafter, the petitioners filed revision petitions which remained pending before respondent No.1 for about a decade and were finally disposed of vide orders dated 14.10.2021 wherein, though the petitioners were non-suited but at the same time, respondent No.2 i.e. the Chief Administrator of the Haryana State Agricultural Marketing Board was requested to consider the cases of the petitioners sympathetically for allotment of the requisite space as per rules.

5. The office of the Chief Administrator issued communications dated 04.05.2023 calling upon the petitioners to appear for personal hearing on 05.05.2023 at 11:30 a.m. and on that date, for no one appeared on behalf of the petitioners, decided the matters ex-parte and rejected the cases of the



petitioners holding as under:-

**“The case was fixed for arguments on 05.05.2023. Notice in this regard was duly served to the parties. Today, the case was called several times, neither the Counsel nor the appellant appeared at the time of arguments, on the other hand, Secretary Market Committee, Ganaur came present. The matter has already been decided by the Revisional Authority on merits vide order dated 14.10.2021 and requested to the Chief Administrator to consider the case of the petitioner on sympathetic consideration in any befitting manner as per the rules for any space allotment. Further, the matter has been re-examined on recommendation of the Revisional authority and it is found that there is no merit in this case. Therefore, no further action warranted only on sympathetic grounds. Resultantly, the appeal is hereby dismissed being devoid of merits.**

**Ordered accordingly. Be communicated.”**

6. Learned counsel for the petitioners submits that the impugned orders are totally non-speaking and devoid of any reason. He submits that no opportunity of hearing was granted to the petitioners and notices issued on 04.05.2023 are a mere eye wash as the same were never received by the petitioners and in any case, the time granted was very short. Learned counsel submits that the impugned orders are not sustainable and deserve to be quashed.

7. Learned counsel for the respondents, on advance notice having been served, are unable to defend the impugned orders and fairly concede that the said orders are completely non-speaking.

8. We have considered the submissions made by learned counsel

for the parties and find that the impugned orders, apart from being violative of the principles of natural justice as sufficient notice was not granted to the petitioners to appear and present their case before respondent No.2, are totally non-speaking and are, therefore, not sustainable. Once the revisional authority had desired or even requested respondent No.2 to consider the cases of the petitioners on sympathetic grounds though as per Rules, the least that should have been done was to examine the whole issue, afford a proper opportunity of hearing to the parties concerned and then pass a well reasoned and speaking order.

9. In view of the aforesaid, the impugned orders dated 05.05.2023 are set aside with a direction to respondent No.2 to pass a fresh order in accordance with law after giving due opportunity of hearing to all stakeholders.

Needless to mention that the matters shall be dealt with as per rules and in accordance with law and nothing stated hereinabove shall be construed to be an opinion on the merits of the case.

The writ petitions are accordingly disposed of.

(ARUN PALLI)  
JUDGE

(VIKRAM AGGARWAL)  
JUDGE

08.05.2024  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |