

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

2024:PHHC:139087-DB



(122)

LPA-2542-2024(O&M)
Date of Decision: 23.10.2024

M/s Daya Nand Shri Kishan & others

--Appellants

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.

Present:- Mr. Gurpreet Singh, Advocate for
the appellants.

Mr. Saurabh Mago, DAG, Haryana.

G.S. SANDHAWALIA.J (Oral)

CM-6201-LPA-2024

This is an application praying for condonation of delay of 53 days that has occurred in re-filing the present appeal.

In view of the averments made in the application, which is duly supported by the affidavit of the counsel, same is allowed. Delay of 53 days in re-filing the present appeal, is condoned.

CM stands disposed of.

Main Case

1. The present appeal is directed against the order dated 24.04.2024, passed by learned Single Judge in CWP-20713-2015 and connected matters, whereby learned Single Judge has relegated the petitioners to pursue the alternate remedies under Section 40 of the Haryana Agricultural Produce Markets Act, 1961.

2. The review application filed by the petitioners was dismissed vide order dated 02.08.2024, wherein learned Single Judge observed that respondents had taken specific objection with respect to the alternative remedy of appeal and that they had nowhere refused to entertain the appeal. Therefore, the argument which is now sought to be raised is that the appeal is not maintainable, would be without any basis since the respondents had taken such objection and the Appellate Authority now cannot refuse to decide the appeal on the ground of maintainability.

3. Resultantly, we do not find any merit in the present appeal in view of the law laid down by Apex Court in case of *Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110*, wherein it has been held that once there is an alternate remedy available, the Writ Court would not exercise its jurisdiction. Accordingly, the present appeal is dismissed.

4. Since the matter was pending before this Court and the objections had been taken in the year 2017, the Appellate Authority would decide the case on merits on filing of the appeal.

(G.S. SANDHAWALIA)
JUDGE

23.10.2024
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(MEENAKSHI I. MEHTA)
JUDGE

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