

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:103798-DB



(110)

LPA-1376-2024 (O&M)
Decided on : 12.08.2024

State of Punjab and others

.....Appellannt(s)

Versus

M/s Divia Shine Foods

.....Respondent(s)

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

Present: Mr. Shekhar Verma, Addl. AG, Punjab
for the appellants.

G.S. Sandhawalia, J.(Oral)

CM-3283-LPA-2024

Application for condonation of delay of 133 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the official.

CM stands disposed of.

LPA-1376-2024(O&M)

1. Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 21.11.2023, whereby CWP-25945-2023 filed by the respondent herein was allowed and resultantly, directions were issued to the present appellant to consider the case of the writ petitioner for allotment of the paddy.
2. It is pertinent to mention that the claim in the writ petition was for allotment of the mill for Custom Milling of Paddy for the year 2023-2024 and to allocate free paddy as per entitlement under the Custom Milling Policy, 2023-2024.

3. It is not disputed by Mr. Verma that for the year in question the writ petitioner has not approached the State agencies subsequently for enforcement of the said order. Even the learned Single Judge had noticed that few weeks were left for the allotment of paddy and it would not be just and fair to compel the writ petitioner to purchase the adjoining land and since the writ petitioner had also made a categorical statement that he would seek allotment, subject to arranging own land as required by policy in force read with instructions issued by the Government. It is also the conceded position that no contempt petition has been filed for enforcement of the said order.

4. In our considered opinion the issue has become academic in the present letters patent appeal, since before the Writ Court as such the Miller had arranged additional land by virtue of a registered lease deed to make good the deficiency of the land, which had been not accepted by the authorities by passing a non-speaking order on 14.11.2023 (Annexure P-12) while rejecting his representation for the Kharif year considering the provisions of the Customs Milling Policy 2023-2024. Once the writ petitioner himself had made a statement that he would seek allotment by arranging his own land, as required by policy in force read with instructions issued by the Government, as recorded by the learned Single Judge for the ensuing years, we are of the considered opinion that having not enforced the earlier order passed by the learned Single Judge, the present appeal has been rendered infructuous.

5. We have not commented upon or upheld the findings of the learned Single Judge to the extent whether person who had purchased the Mill in securitization proceedings would be treated as a Miller for the purpose of

registration under Clause 3 of the Policy and whether the reliance placed upon Clause 13 (h) by the learned Single Judge could have been read in his favour, which would only apply to a Registered Miller.

6. Resultantly, the present letters patent appeal is disposed of as having been rendered infructuous. All pending civil miscellaneous application(s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

12.08.2024
Naveen

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No