

CWP-15099-2024

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

CWP-15099-2024Date of decision: 05.07.2024

Deepak Jain

....Petitioner

Versus

Haryana State Agricultural Marketing Board and othersRespondents

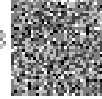
**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Brijesh Kumar, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the order dated 22.09.2023/10.10.2023 (P-7), passed by the Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula (respondent No.1), on an appeal preferred by M/s Shekhar Trading Company (respondent No.3), under Section 40 of the Haryana Agricultural Produce Markets Act, 1961, vide which, it was held eligible for allotment of a plot on reserve price, subject to other eligibility conditions, as envisaged under the relevant rules.

Learned counsel for the petitioner submits that apparently, what formed basis of the impugned order is the rent deed of shop No.220 dated 09.12.1999, which showed respondent No.3 to be in independent occupation/possession of the said premises as tenant for doing business, and accordingly, its claim was accepted. Whereas, the said rent deed is a forged and fabricated document, for respondent No.3 was never an occupant, least a tenant, of shop No.220. He asserts that, in fact,

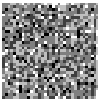


petitioner is the owner in possession of the said shop. Further, he himself is running a business on the ground floor of the premises, and the first floor is being used by him for residential purposes. Therefore, he submits that respondent No.3 has played a fraud with the respondent authorities by relying upon a fictitious document. Thus, it is urged that the petitioner has a locus to assail the order dated 22.09.2023/10.10.2023 (*ibid*). For, respondent No.3, by setting up a claim that it was the tenant in occupation of the shop, owned and possessed by the petitioner, has gravely impaired his rights/interest to seek allotment for himself in future in the new grain market. Hence this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, is present in Court on behalf of respondents No.1 and 2.

At the outset, he, on instructions, submits, for the petitioner, at no stage, was a party to the *lis*, there was no occasion for respondent No.4 to issue him any notice or afford a hearing. But, now that it is being pleaded that the rent deed (*ibid*), upon which the claim of respondent No.3 was predicated, is a forged document, it would be expedient, if the petitioner approaches the same authority for review of its order.

To this, learned counsel for the petitioner submits that, in fact, immediately upon acquiring knowledge of the impugned order, the petitioner had furnished a complaint to respondent No.4, which was duly received in his office on 10.01.2024. But to date, the matter has not made any tangible progress. Be that as it may, he submits that he be permitted to withdraw the petition to enable the petitioner to move an appropriate application to respondent No.4 itself, to review the impugned order. For,



Learned counsel for respondent No.1 and 2 submits that in the event any such application is moved by the petitioner, the same shall be taken cognizance of by the competent authority forthwith. And the necessary orders, in accordance with law, shall be passed thereon, within a period of eight weeks thereafter. Further, before any such orders are passed, all the stakeholders, including the petitioner, shall be heard, for which, a formal communication shall also be issued, well in advance.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.07.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No