



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-37669-2018

Date of Decision :-23.09.2024

M/s Rameshwar Dass Rajinder Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Vinod Gupta, Advocate
for the petitioners.

Mr.Sharad Aggarwal, DAG, Haryana.

Mr.Sushant Sharma, Advocate for
Mr.Deepak Balyan, Advocate
for respondents No.2 to 4.

SUVIR SEHGAL, J. (ORAL)

1. By way of present petition filed under Articles 226/227 of the Constitution of India, petitioners have approached this Court, *inter alia*, for issuance of a writ in the nature of certiorari for quashing the impugned orders dated 28.11.2018, Annexures P6 and P7. Another prayer has been made for issuance of a writ in the nature of mandamus for directing respondents to renew the licence under the Haryana Agricultural Produce



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Markets Act, 1961 (for short “the 1961 Act”).

2. Counsel for the petitioners has argued that as the impugned orders, Annexure P6 and P7, have been passed in compliance of the order passed by this Court, the petitioners are entitled to directly approach this Court. Writ petition has been contested by the respondents, *inter alia*, on the ground that petitioners have an alternate remedy.

3. The submission of the counsel for the petitioners deserves to be rejected. Petitioners have remedy of filing an appeal under Section 40 of the 1961 Act, which they have not availed. Without exhausting the statutory remedy, petitioners cannot be permitted to invoke the extraordinary jurisdiction of this Court.

4. Petition is disposed of. Petitioners are relegated to the alternate remedy.

5. In case, petitioners institute an appeal under Section 40, *ibid*, within a period of four weeks from today, the Appellate Authority shall make an endeavour and dispose it off as expeditiously as possible preferably within a period of six months from its institution.

6. Liberty is granted to the petitioners to move an appropriate application before the Appellate Authority seeking condonation of delay.

23.09.2024 (SUVIR SEHGAL)
Brij JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No