

**In the High Court of Punjab and Haryana, at Chandigarh****Civil Writ Petition No. 33255 of 2024****Date of Decision: 10.12.2024**

M/s Devdhar Rice Mills and Another

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Daman Dhir, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. This is petitioners' second writ petition. On 12.11.2024, Civil Writ Petition No. 30323 of 2024, was disposed of with the following order:-

"1. After arguing for some time, the learned counsel representing the petitioners prays for permission to withdraw the present writ petition in order to represent to the Government.

2. Ordered accordingly.

3. All the pending miscellaneous applications, if any, are also disposed of."

2. The petitioners claim that after withdrawing the previous writ petition, a representation was made to the respondents which has not been decided yet. Hence, a fresh cause of action has arisen. This Court has a doubt about the maintainability of the writ petition.

Through this writ petition, the petitioners pray for the following

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substantial reliefs:-

“(I) Issue a writ especially in the nature of certiorari quashing the Letter dated 27.11.2024 (Annexure P-12), whereby direction have been issued to the field functionaries for initiation of action against the mills of the state including the petitioner and for deposit of cost of balance undelivered rice pertaining to Kharif Marketing Season 2023-24; the impugned letter issued by the respondents state is unreasonable, arbitrary and is absolute contrary to the Policy (Annexure P-1).

(II) Further issue a writ in the nature of mandamus directing the respondents to consider the claim of the petitioners for grant an extension of sufficient period beyond 31.10.2024 for delivery of resultant rice pertaining to Kharif Marketing Season 2023-24, in order to complete the job work of custom milling of paddy; in view of the peculiar facts and circumstances submitted herein below of the present case in hand.

(III) Still further, issue a writ in the nature of mandamus be issued directing the respondents to grant allotment and allocation of paddy for Kharif Marketing Season 2024-25, in as much as, the circumstances of non-acceptance of deliveries of custom milled rice in the manner as specified, was on account of paucity of vacant space with the food corporation of India, the situation beyond the control of the petitioner.

(IV) Issue a writ in the alternative, the respondents may kindly be directed to consider the request/claim of the petitioners as

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prayed for in the representation(s) (Annexure P-9 and Annexure P-11) expeditiously in a time bound manner, in view of the short time lines of the crop season, in the interest of justice.”

4. From the averments made in the writ petition, it is evident that the petitioners were allocated paddy for de husking on the basis of a contract entered into between the petitioner and respondent No.4-Punjab State Grains Procurement Corporation (PUNGRAIN). As per the agreement, after de husking the paddy, the rice was to be delivered to the Food Corporation of India (FCI) in a staggered manner with last instalment on or before 31.03.2024. Repeatedly, the period was extended, but the last extension was upto 31.10.2024. The petitioners failed to deliver the entire rice which was required to be de husked from the paddy allocated to them. The petitioners pray that a direction be issued to the respondents to further extend the period for delivery of rice

5. This Court has considered the submissions of the learned counsel representing the petitioners.

6. The time prescribed by the appropriate authority is in the nature of a policy decision. Moreover, the new season has also started. Furthermore, the dispute is arising from a contract which was entered into by the petitioners with PUNGRAIN. The FCI is not a party to the aforesaid contract. Furthermore, the writ court cannot be expected to decide the disputed questions of fact as the petitioners allege that there was a shortage of storage space with the FCI. The learned counsel representing the petitioners admits that the majority of the rice millers have already delivered

the entire rice to the FCI within the prescribed time.

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7. At this stage, the learned counsel representing the petitioners
prays for permission to withdraw the present writ petition.
8. Ordered accordingly.

(Anil Kshetarpal)

Judge

December 10, 2024

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No