



CWP-7079-2025

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In the High Court of Punjab and Haryana at Chandigarh

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CWP-7079-2025**Date of Decision: 18.03.2025**

KANIHYA LAL MADHO RAM AND OTHERS PETITIONERS
VERSUS

U.T. CHANDIGARH THROUGH ITS SECRETARY AND OTHERS
.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Mr. Ankur Mittal, Advocate,
Mr. Rakesh Aggarwal, Advocate
Ms. Kushaldeep Kaur, Advocate
Mr. Siddhanth Arora, Advocate
Ms. Saanvi Singla, Advocate,
Ms. Sharvi Dhadwal, Advocate for the petitioners.

Mr. Amit Jhanji, Sr. Advocate assisted by
Mr. Sumeet Jain, Advocate,
Mr. Himanshu Arora, Advocate,
Mr. Eliza Gupta, Advocate and
Mr. Sahil Shehrawat, Advocate for the respondent(s)/U.T.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioners are admittedly licensees over the subject sites. The said subject sites are located in Fruit and Vegetable Market at Sector 39, Chandigarh. The present petitioners are licenced, to function as commission agents over the subject sites. The said subject sites are in the nature of permanent sheds, pakka platforms, accessible through pakka roads, so that thereby the agricultural produce of the farmers, thus, can become auctioned. However the said is only a temporary arrangement.

2. What is bringing pain to the present petitioners, is the publication of an Auction Notice (Annexure P-17), whereby, the respondents concerned, are launching the exercise of auctioning the shops/SCOs in Fruit and vegetable Market at Sector 39, Chandigarh, whereby the present petitioners apprehend that their business as arhtias, would become dislocated, whereby, there would



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be an ill-impinging *viz-a-viz* their fundamental rights, to practice and profess their said licensed business as arhtias.

3. On the previous date of hearing, this Court had asked Mr. Amit Jhanji, the learned Senior Counsel appearing for the U.T Chandigarh, to take some instructions in the present matter from the respondents concerned.

4. In pursuance thereto, the learned Senior Counsel representing the U.T. Chandigarh, has placed on record an affidavit sworn by Sh. Rajiv Tewari son of Sh. Swaran Jit Tewari, working as Joint Secretary, State Agricultural Marketing Board, Sector 17, U.T. Chandigarh. The relevant paragraph thereof, which is contended to be mitigating the writ relief(s), is embodied in paragraph No.3, para whereof becomes extracted hereinafter:-

“3. That at the outset and without submitting anything on merits, at this stage, it is stated that the petitioners are carrying on the procurement of wheat and paddy from the shed and road constructed at the first phase i.e. Fruit and Vegetable Market, Sector 39 Chandigarh. As per the approved plan, there are total 92 SCOs in the first phase of Mandi. Out of the total 92 SCO's, at present only 23 SCOs are being auctioned. The funds received from this auction will be utilized for developing the Second Phase i.e. Grain Market, wherein petitioners and similarly situated persons can carry out work of procurement of wheat and paddy. The auction of 23 SCOs at this stage will not hamper the business of the petitioners in any way. It is further submitted that the petitioners will not be asked to vacate the site in question, till an auction platform for Grains is constructed. As regards prayer of the petitioner regarding reserving a preferential right of allotment in favour of the petitioners, before offering plots to the General Public, attention of the Hon'ble Court is invited to the letter bearing no. 15041/3/2009- CHD, dated 05.10.2012 (**Annexure R1**) issued to different Union Territories by the Ministry of Home Affairs, Government of India, New Delhi, in which it has been stated that: -



"It has come to the notice of this Ministry that the land acquired by UT Administrations is, at times disposed of at a rate below the market value of the land and without holding an auction. It has, therefore, been decided with the approval of competent authority that land, for any purpose must not be disposed of below the market value and without auction. If any Union Territory Administration intends to dispose of any piece of land below the market value and without holding auction, prior approval of this Ministry must be obtained".

Hence, policy of allotment has been discontinued in Union Territory of Chandigarh as per directions of Government of India. Further, any preferential allotment will lead to the violation of General Financial Rules also."

5. The learned counsel representing the petitioners submits, that though the abovesaid extracted paragraph, does mitigate the writ grievance, but he still beseeches this Court to make a direction upon the respondent(s) concerned, that the present subject sites, which are temporarily occupied by the present petitioners, be ensured to be preserved till alternative auction platforms, become raised by the respondent(s) concerned.

6. Though the learned Senior Counsel representing the respondent/U.T. Chandigarh submits, that though an expression exists in the relevant sentence of paragraph No.3, inasmuch as, it has been declared therein that the present petitioners will not be asked to vacate the site in question, till an auction platform for Grains is constructed, whereby, he contends that, as such, the argument raised by the learned counsel for the petitioners, that the present functional temporary auction platforms, which are tin roofed, thus, would become dis-functional, rather is an ill-raised contention.

7. However, yet to allay any further apprehension, as becomes raised today before this Court, by the learned counsel for the petitioners, that the said declaration made in the relevant sentence of paragraph No.3,



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that till the alternative auction platforms for grains is constructed, thereupto, the functioning of the present petitioners at the sites in question shall not be disturbed, thus, requires a further pointed clarification.

8. In consequence, this Court orders that since the present subject sites are in the nature of '*Pakka sheds fitted with electrical fittings*', therebys and also, with the learned Senior Counsel representing the respondent/U.T. Chandigarh, on instructions, stating, that the said declaration made in the relevant sentence of paragraph No.3, that till the alternative auction platforms for grains is constructed thereupto, the sites in question shall not be disrupted at all, shall be taken to mean that the presently occupied subject sites, which are in the nature of '*Pakka sheds*', thus, shall be permitted to, till the relevant stage, be retained by the present petitioners.

9. The present petition is disposed of accordingly. However, liberty is reserved to the present petitioners to move a representation with respect to prayer No.3.

10. On such a representation being made before the respondent(s)-authorities concerned, the same shall be lawfully considered.

(SURESHWAR THAKUR)
JUDGE

(H.S. GREWAL)
JUDGE

18.03.2025

Anjal

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