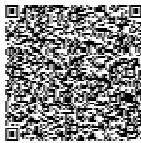
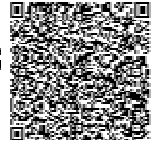


2026:PHHC:086220-DB



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

103-1	CWP-8822-2018
Bhole Shankar Trading Company and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
103-2	CWP-30698-2018
M/s Jai Jawala Ji Trading Company and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
103-3	CWP-30703-2018
M/s Rohtash Kumar Parth Kumar and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
103-4	CWP-30719-2018
M/s Shiv Lal Rattan Lal	...Petitioner
Versus	
State of Haryana and others	...Respondents

**CWP-8822-2018 and other cases****103-5****CWP-8807-2018**

Babu Ram Suresh Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

1.	The date when the judgment is reserved	19.05.2026
2.	The date when the judgment is pronounced	29.05.2026
3.	The date when the judgment is uploaded on the website	30.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR.JUSTICE VIKAS SURI

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Aman Bahri, Senior Advocate with
Mr. Shivansh Sood, Advocate for respondents No.2 and 3.

VIKAS SURI, J.

1. This order shall dispose of CWP-8822-2018, CWP-30698-2018, CWP-30703-2018, CWP-30719-2018 and CWP-8807-2018, which are taken up together at request and with consent of learned counsel for the parties, as common issue has been raised in all these writ petitions. For the sake of convenience, reference to the factual matrix is made from CWP-8822-2018 titled as '*Bhole Shankar Trading Company and others vs. State of Haryana and others*'.

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2. The petitioners, in these cases, claim themselves to be old licensees of de-notified Anaaj Mandi (Grain Market), Safidon. For them, it is yet another round to this Court pressing for their claim for allotment of plots in the New Grain Market, Safidon, at concessional rates.

3. Shorn of details, the facts in brief are that the petitioners are stated to be doing business of commission agent from the date of issuance of the license under the Haryana Agricultural Produce Markets Act, 1961 (hereinafter referred to as, '1961 Act'). The date of initial issuance of license to the petitioners is given in a tabulated form in para 2 of the writ petition.

4. In the present case, the petitioners were issued license in the year 1999 to 2001. In the year 2002, the Haryana State Agricultural Marketing Board (respondent No.2) (hereinafter referred to as 'Board') invited applications from old licensees for allotment of sites in the New Grain Market at concessional rates.

5. The petitioners alongwith other similarly situated persons submitted application forms with the Market Committee, Safidon (respondent No.3). Case of the petitioners as well as other similarly situated applicants was rejected by respondent No.3, vide order dated 19.12.2002, on the ground that as per Rule 3(1)(iii) of the Haryana State Agricultural Marketing Board (Sale of Immovable property) Rules, 2000 (hereinafter referred to as, 'the Rules'), published vide notification dated 10.03.2000, the petitioners did not complete five years as on 01.01.2000 and thus, are not entitled/considered for allotment of plots under the old licensees category. The petitioners as well as other similarly situated

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persons filed CWP-616-2003 titled as '*M/s Parmanand Suresh Kumar vs. State of Haryana and others*' impugning order dated 19.12.2002.

6. In the above circumstances, the aforesaid provisions of the Rules was challenged by way of CWP-18176-2007 titled as '*M/s Krishan Kumar Rohtash Kumar and others vs. State of Haryana and others*', which was decided vide judgment dated 30.04.2009, wherein this Court applying the doctrine of severability, to save the substantive part of the impugned rule, ordered the date stipulated in Clause (iii) of Rule 3 (1) to be severed from the rule. It was further held that those holding a valid license for at least five years on the last date for submission of applications would be eligible, if all other conditions are fulfilled. The subsequent amendment, by way of substitution of the said sub-rule, on 01.09.2008, was also noticed in the said verdict. The amended rule provided period of four years of holding of a valid license on the date for inviting applications.

7. In view of the change brought about in the eligibility for allotment of plot from five years licensee to four years, by the notification dated 01.09.2008, and the rule as it stood prior to the amendment by way of substitution having been read down by this Court, the pending writ petitions were permitted to be withdrawn with liberty to file an appeal under Section 40 of the 1961 Act, before the Chief Administrator of the Board, vide order dated 17.02.2011 (Annexure P-3). The petitioners were also granted liberty for seeking condonation of delay in filing the appeal on the ground that they were pursuing their remedy before this Court.

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8. The appeals preferred before the Chief Administrator of the Board, were rejected by common order dated 28.06.2012 (Annexure P-4) on the ground that the said firms did not have a valid licensee for a period of five years even on the last date of submitting the application for draw of lots held in December 2002. Thereafter, revision petitions were preferred before the State Government/Additional Chief Secretary (Revisional Authority under Section 40(3) of the 1961 Act), who without taking into consideration the amendment made vide notification dated 01.09.2008, rejected the claims of the petitioners on the ground that the said amendment cannot be applied retrospectively. The revision petitions filed by the petitioners were also dismissed by common order dated 13.03.2014 (Annexure P-5).

9. The old grain market (Anaaj Mandi), Safidon was de-notified vide notification dated 04.03.2015. The grievance of the petitioners is that while de-notifying the old grain market, the respondent authorities failed to consider that the petitioners were running their business since the year 1999-2001 till date and all of them were having valid licenses issued by respondent No.3, i.e. Market Committee, Safidon. It is averred that while denotifying the old grain market, applications for allotment of plots at reserved price were not invited from the old licensee category and even after lapse of more than 16 years, no applications were invited by the respondent authorities from the old licensees. It is further averred that during the intervening period from 2002 till de-notifying the old grain market in the year 2015, number of old licensees became eligible for

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allotment of plots under the Old Licensee Category (ii), who have been ignored.

10. Aggrieved by the aforesaid, the petitioners along with other similarly situated persons/old licensees filed numbers of writ petitions including CWP-7243-2015 titled as '*M/s Bhole Shankar Trading Company and others vs. State of Haryana and others*'. The aforesaid writ petitions were decided vide judgment dated 29.03.2017 (Annexure P-10), whereby the writ petitions were disposed of with a direction to the Chief Administrator of the Board to determine the questions formulated therein.

11. In deference to the order dated 29.03.2017 passed by this Court, respondent No.2 upon reconsideration of the matter rejected the claim of the petitioners for allotment of plots on preferential basis being old licensees, vide order dated 21.08.2017 (Annexure P-11).

12. Still aggrieved, the petitioners approached this Court yet again by way of CWP-2465-2018 titled as '*Bhole Shankar Trading Company and others vs. State of Haryana and others*' impugning the order dated 21.08.2017, which had been sent to the petitioners vide endorsement dated 16.11.2017. The said writ petition (CWP-2465-2018) was disposed of vide order dated 05.02.2018 whereby the petitioners were relegated to first avail the remedy of revision under the provisions of 1961 Act. The State Government was directed to make an endeavour to decide the revision petition in a time bound manner. The two revision petitions filed in compliance of order dated 05.02.2018 passed by this Court, were disposed of by a common order dated 19.03.2018 (Annexure P-14). The revisional authority came to the conclusion that no ground was made out

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to interfere with the impugned order passed by the Chief Administrator and hence, the revision petitions were dismissed.

13. Still remaining aggrieved, the petitioners are once again back before this Court by way of the present writ petitions comprising the present bunch of petitions besides those which remained pending since 2015.

14. Learned counsel for the petitioner argued that this Court vide judgment dated 29.03.2017 (Annexure P-10), while remanding the matter for the decision of the Chief Administrator of the Board, had formulated three questions to be determined, which find mention in para 17 thereof. Two out of the said questions have not even been considered by the respondent authority concerned and the same has been approved by the revisional authority. It is further argued that the determination of the said questions framed by this Court would go to the root of the controversy, which could only be determined after verification of the records, and it is for the said purpose that the matter was remanded to the Chief Administrator of the Board, for its decision on the same.

15. Per contra, learned senior counsel appearing for the respondents has endeavoured to defend the impugned orders. It is submitted that the first question has been specifically answered, whereas the other two questions are implied to have been answered in view of the discussion in the impugned order dated 21.08.2017. It is further submitted that keeping in view the objective of the rule, as has been considered by the respondent authorities, questions (ii) and (iii) are implied to have been rejected.

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16. We have heard learned counsel for the parties and perused the record with their able assistance.

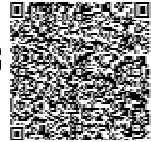
17. It would be apposite to refer to the operative portion of the judgment dated 29.03.2017, whereby the writ petitions were disposed of with a direction to the Chief Administrator of the Board to determine the questions formulated therein, which reads thus,

“[15] This Court thus did not rule as a matter of legal principle that the date of de-notifying the Old Grain Market will be the singular factor to determine the eligibility of old licensees.

[16] That apart, the question as to whether the business of old Grain Market at Safidon was shifted to the New Grain Market in the year 2002 itself or it continued to operate at both the markets till the year 2015 is essential a question of fact and can be determined after verification of the records. Further, whether or not the licensees who meanwhile were granted licences are to be included amongst the 'old licensees' entails a Policy decision which can be taken by the respondents only.

[17] We thus dispose of these writ petitions with a direction to the Chief Administrator of the Board to determine (i) whether the business of the old Grain Market at Safidon had been completely shifted in the year 2002 or thereafter and if so when?; (ii) whether any of the petitioners had attained eligibility before shifting of the business?; (iii) whether the licensees who have completed four years validity period before 2015 as per the amended Rules, can also be considered in the category of 'old licensees' and whether any allotment can be made to them at the concessional rate?

[18] The Chief Administrator, Board shall determine these issues within a period of four months and,

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in case, any of the petitioners is found eligible, the Market Committee shall consider and allot a plot to such licensee at the concessional rate. However, those petitioners who are found ineligible and not entitled to allotment, shall be at liberty to avail their remedy in accordance with law against the orders to be passed by the Chief Administrator.

[19] The Chief Administrator shall ensure that not more than one plot is allotted to one family in accordance with Rules.”

18. A perusal of the above reproduction would show that the Chief Administrator of the Board was under a mandate to consider and decide the following questions:

- (i) whether the business of the old Grain Market at Safidon had been completely shifted in the year 2002 or thereafter and if so when?;
- (ii) whether any of the petitioners had attained eligibility before shifting of the business?; and
- (iii) whether the licensees who have completed four years validity period before 2015 as per the amended Rules, can also be considered in the category of 'old licensees' and whether any allotment can be made to them at the concessional rate?

19. A perusal of the impugned order dated 21.08.2017 (endorsed on 16.11.2017) would show that after perusal of the record, only the first question stands answered, whereby it has been held that it is evident that the business of the old grain market, Safidon had not been completely shifted in the year 2002 and as a matter of fact, the sale/purchase of agricultural produce continued in the old grain market till its de-notification on 04.03.2015. Other than the said finding, nothing has been

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pointed out from the impugned order that could be said to have determined the other two questions extracted above. Further, a perusal of the impugned order dated 19.03.2018 shows that even the revisional authority has not examined the said aspect and thus, the order dated 29.03.2017 passed by this Court has not been complied with in letter and spirit.

20. Learned counsels appearing for the respondents are not in a position to point out to any finding or observation from the impugned orders, which would show consideration of questions (ii) and (iii) or any determination in that regard.

21. In view of the aforesaid, we are of the considered opinion that the claim of the petitioners for allotment of plots at concessional rate in the new grain market can only be determined after the authorities concerned have determined all the three questions formulated in the order dated 29.03.2017, passed by this Court in CWP-7243-2015 and other connected matters.

22. Accordingly, the impugned orders dated 21.08.2017 (Annexure P-11) and 19.03.2018 (Annexure P-14) are set aside and the matter is remitted back to the Chief Administrator of the Board for determination of the questions formulated in para 17 of the judgment dated 29.03.2017 (supra) while strictly adhering to the other directions contained in the said judgment, extracted hereinbefore.

23. It is also noticed that the authority concerned was directed to determine the issues formulated in March 2017 within a period of four months, pertaining to the claim of the petitioners, which dates back to

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2002, for allotment of plots in the new grain market at concessional rate. Already, as much time has lapsed since then, respondent No.2 is directed to ensure compliance of the order dated 29.03.2017 within a period four months from the date of receipt of copy of this order.

24. The writ petitions are disposed of with the aforesaid directions.

25. Pending application(s), if any, also stand closed.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

29.05.2026
sumit.k

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No