
(2013) 09 P&H CK 0507

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 19519 of 2013

Charanjit Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 04-09-2013

Acts Referred:

Citation : (2014) 173 PLR 593

Hon'ble Judges : Surya Kant, J; Surinder Gupta, J

Bench : Division Bench

Judgement

Surya Kant, J.—Notice of motion to respondent No. 1 only at this stage. On our asking, Mr. J.S. Puri, learned Additional Advocate General, Punjab, accepts notice. Let two copies of the writ petition be supplied to the learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for nonprosecution. Since no order prejudicial to the interest of respondent Nos. 2 & 3 is being passed, we do not deem it necessary to call upon them nor any counter-reply from respondent No. 1 is required at this stage.

2. The petitioners impugn the letter dated 10/19.07.2013 (Annexure P-5 Colly.) whereby they have been informed that the auction held on 14.2.2013 for allotment of SCF/booth site in Jandiala Guru, District Amritsar has been cancelled by the Secretary, Punjab Mandi Board and the amount deposited by them being the highest successful bidders, has been refunded. The petitioners seek a consequential direction for acceptance of their bid and confirmation of sale, followed by issuance of allotment letter in their favour. Their other allied grievance is that under the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) Rules, 1999 (hereinafter referred to as "1999 Rules"), there is no remedy of appeal available against the order passed by the Secretary of the Board, hence the Rules to that extent are liable to be struck down.

3. The facts may be noticed briefly. Pursuant to a public notice, auction of various sites in the New Grain Market at Jandiala Guru held on 14.2.2013 and

the petitioners being successful bidders, deposited the requisite amount as per terms and conditions of auction notice. However, after five months, they were informed vide impugned communication that their bid has not been accepted and the auction stands cancelled. Unfortunately, no reason whatsoever has been assigned in the impugned communication sent to the petitioners. As there is no remedy of appeal against the aforesaid order, the petitioners have approached this Court.

4. There is indeed no quarrel that 1999 Rules have been formulated in exercise of the powers conferred under the Punjab Agricultural Produce Markets Act, 1961 (hereinafter referred to as "the Act"). Section 42 of the Act starts with a non-obstante clause and it says that the State Government shall have the power of reversing or modifying any order of the Board or any of its officers passed or purporting to have been passed under this Act, if it considers it to be not in accordance with this Act or the rules or bye-laws made thereunder.

5. We are, thus, of the considered view that Section 42 of the Act is wide enough to confer the revisional powers on the State Government to enable it to consider the illegality of any order passed by the Secretary of the Board under the Act or the Rules framed thereunder. Since the impugned communication has been passed by Secretary of the Board under the 1999 Rules, the State Government shall be well within its revisional power u/s 42 of the Act, to call for the records and examine the legality of that order. The writ petition is accordingly disposed of with liberty to the petitioners to prefer a revision petition before the State Government within a period of one month from the date of receiving a certified copy of this order and on receipt thereof, we direct the State Government to call for the records, hear the parties and decide the same by passing a speaking order and in accordance with law, preferably within a period of three months from the date of receiving such a revision.

Ordered accordingly.