
(2011) 03 P&H CK 0662

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 18546 of 2009

Kundan Lal and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 11-03-2011

Acts Referred:

Punjab Agricultural Produce Markets Act, 1961 — Section 40(1), 40(3)

Citation : (2011) 03 P&H CK 0662

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—This order will dispose of Civil Writ Petition Nos. 18546 of 2009 (Kundal Lal and Anr. v. State of Haryana and Ors. 18216 of 2009 (Kirori Mal and Ors. v. State of Haryana and Ors.) and 19321 of 2009 (Siri Kishan and Ors. v. State of Haryana and Ors.)

2. The Petitioners in these writ petitions have prayed for direction to quash notices dated 16.11.90, 20.3.2009 and 14.1.2009 (in Civil Writ Petition Nos. 18546, 18216 and 19321 of 2009 respectively) and for issuing mandamus to the Respondents to remit the excessive amount including penal interest already charged from the Petitioners and further for not to charge the interest on non-construction. Prayer also is to remit the amount, which has already been released.

3. In response to notice issued, reply has been filed on behalf of Respondent Nos. 2 and 3. By way of preliminary objection, it is stated that against the order passed by the Secretary, Market Committee, an appeal is maintainable before the Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula u/s 40(1) of the Punjab Agricultural Produce Market Act, 1961. Thereafter even revision is also maintainable before the Government u/s 40(3) of the Act. Accordingly, it is stated that the Petitioners have an equal alternative efficacious

remedy without justifying the action of the Respondents in charging the interest.

4. Since there is an equal efficacious remedy available to the Petitioners, they are relegated for their alternative remedy of filing appeal. The writ petitions are accordingly dismissed with liberty to the Petitioners to file an appeal against the same, which shall be considered and decided on merits and shall not be dismissed on the ground of delay in filing the same.