

(2013) 07 RAJ CK 0018

In the Rajasthan High Court

Case No : Civil Writ Petition Nos. 8155 and 8156/2012

M/s. Deep Chand Babu Lal Mittal and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 17-07-2013

Acts Referred:

Citation : (2014) 1 WLN 75

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Alok Sharma, J.—The matters come up challenging the orders of the Secretary, Krishi Upaj Mandi Samiti, Khanpur requiring the petitioners-firms to pay market fee due for the import of sugar into the jurisdiction of Krishi Upaj Mandi Samiti, Khanpur. At the outset, Mr. Inderjeet Singh, appearing for the respondent-Krishi Upaj Mandi Samiti, Khanpur, submitted that the orders impugned before this Court are appealable under Sec. 34(2)(b) of the Rajasthan Agriculture Produce Markets Act, 1961 (hereinafter "the Act of 1961"). He submits that the petitioners-firms appear to have taken step to file an appeal against the aforesaid orders before the appellate authority i.e. Directorate of the Agriculture Marketing as evident from a copy of the registry receipts. It is submitted that however the appeals by the firms appear to have been wrongly addressed as the office of the Directorate of the Agricultural Marketing i.e. the appellate authority, is located not in the Secretariat, Jaipur but in the Pant Krishi Bhawan, Jaipur and for this reason the appeals do not appear to have received by the appellate authority. He submits that in the event the petitioners-firms were to file their respective appeals afresh against the impugned orders, the appellate authority would address the same on merit without being obstructed in the exercise of its jurisdiction on the ground delay in filing the appeal and the issue of limitation would not be taken into consideration in the facts of the case.

2. In view of the aforesaid, the writ petitions are dismissed as not maintainable

on the ground of availability of alternative remedy. The petitioners-firms would be free to challenge the impugned orders afresh before the appellate authority in terms of Section 34(2)(b) of the Act of 1961 within a period of fifteen days from today. In the event the appeals are filed by the petitioners-firms within fifteen days from today, the appellate authority in terms of Section 34(2)(b) of the Act of 1961 is directed to address the same on merit without taking note of delay in filing the appeal.

3. Second stay applications need no address in view of the petitions being dismissed as not maintainable. A copy of this order be placed in connected matter.