

(2012) 01 P&H CK 0152
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 1552 of 2011

M/s Harpal Singh Pradeep Kumar

APPELLANT

Vs

Haryana State Agricultural Marketing Board and others

RESPONDENT

Date of Decision : 12-01-2012

Acts Referred:

Citation : (2012) 01 P&H CK 0152

Hon'ble Judges : Hemant Gupta, J;A.N. Jindal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—The petitioner claims a writ of certiorari seeking quashing of the order dated 11.08.2009 (Annexure P-5), whereby the appeal filed by the petitioner against the auction of the plots was dismissed.

2. The petitioner is a category II licensee, granted by the Market Committee, Uklana Mandi, under the Punjab Agricultural Produce Market Act, 1961. The said licence has been renewed from time to time. A new grain market was established in the year 2002, wherein 110 plots were carved out. 79 plots were sold through open auction and the remaining 31 plots were put on the draw of lot on reserved price on 16.08.2005. Only those licensees, who were holding licences up to 31.12.2000, were considered eligible.

3. It is the case of the petitioner that subsequently, rules have been amended vide notification dated 01.09.2008 and all such category II licensees, such as the petitioner, become eligible for allotment. The amended rule contemplated that all those dealers, who have licence for four years on the date of inviting applications for draw of lots, are eligible for allotment of plots. Since the petitioner is a licensee since 14.06.2001 and the date for draw of lots was 16.08.2005, therefore, in terms of amended conditions of eligibility, the petitioner is eligible for allotment of a plot. Similar controversy arose before this Court in CWP No. 13024 of 2009 titled ?M/s Chandgi Ram Ram Niwas and others Vs. Haryana State

Agricultural Marketing Board and others? decided on 11.11.2010. The said writ petition was allowed. Learned counsel for the petitioner points out that the LPA and the SLP against the said judgment stand dismissed.

4. Learned counsel for the respondents has argued that the petitioner is not eligible being a licensee of the year 2001 and thus, his case is at par with the petitioner in CWP No. 14153 of 2009 titled ?M/s Deepak Kumar Baru Ram (Prop.) and another Vs. Haryana State Agricultural Marketing Board and others?, which was dismissed vide the same order.

5. We have heard learned counsel for the parties and found that the case of the petitioner is covered by the judgment of this Court in M/s Chandgi Ram Ram Niwas case (supra). The undisputed facts are that the petitioner is a licensee since 14.06.2001 and has completed four years before the draw of lots on 16.08.2005. Thus, the issue raised by the petitioner is covered by the aforesaid judgment of this court.

6. In view of the said fact, we dispose of the present writ petition in the same terms as in M/s Chandgi Ram Ram Niwas case (supra).