
(1974) 03 P&H CK 0022
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 466 of 1972

Ram Parkash Nand Lal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 18-03-1974

Acts Referred:

Citation : (1975) PLJ 27 : (1984) RRR 402

Hon'ble Judges : R.N.Mittal, J

Advocate : Mr. R.K. Chhokar, Advocate., Advocates for appearing Parties

Judgement

R.N. Mittal, J.

1. Briefly the facts of the petition are that the petitioners are small traders engaged in retail transactions in Bilaspur Mandi, Tehsil Jagadhri, District Ambala. Under subsection (1) of Section 6 of the Punjab Agricultural Produce Markets Act, 1961 (hereinafter referred to as the Act), the erstwhile State of Punjab notified Jagadhri market area for tehsil Jagadhri and constituted a Market Committee with the principal market at Jagadhri and subyards at Bilaspur and Chhachhrauli along with some others. The notified market area Jagadhri comprised of nearly three Assembly Constituencies, namely, Jagadhri, Yamunanagar and Chhachhrauli. Respondent No. 3, in league with the Chairman of the Haryana State Agricultural Marketing Board, Chandigarh (hereinafter referred to as the Board), respondent No. 2, with a view to have political gain, decided to have an independent market committee at Chhachhrauli with a subyard at Bilaspur. To achieve that objective, respondent No. 3 influenced the Punjab State, respondent No. 1, to issue notification dated November 30, 1971, denotifying a part of Jagadhri and a part of Yamunanagar notified market areas (copy Annexure `A"). Even though there were no basis and justification for issuance of the notification on the same day, respondent No. 1 issued another notification, under section 5 of the Act (copy Annexure `B") proposing to include villages mentioned therein in MarketCommittee Chhachhrauli and invited objections and suggestions from the persons likely to be affected with specific declaration. The petitioners sent

objections against the inclusion of Bilaspur Sub Yard in the proposed Market Committee, Chhachhrauli. The creation of proposed Market Committee is against the interests of the producers and the dealers alike. Respondent No. 1, without taking into consideration the objections of the petitioners and without affording any opportunity for personal hearing to the petitioners, issued a notification dated January 19, 1972 under section 6(1) of the Act, declaring the area comprising in Bilaspur Sub Yard as the area of Market Committee, Chhachhrauli (copy Annexure `E"). The notifications (Annexures `A", `B" and `E") have been challenged by the petitioners. The writ petition has been contested by the respondents.

2. The first contention of the learned counsel for the petitioners is that the notifications under sections 5 and 6(2) have been issued without specifying the basic conditions as laid down in section 6(2) read with preamble of the Act. In order to decide this question it is necessary to notice the preamble and section 6(2) of the Act which are as follows :

"An Act to consolidate and amend the law relating to the better regulation of the purchase, sale, storage and processing of agricultural produce and the establishment of markets for agricultural produce in the State of Punjab."

S. 6(2) "The State Government if satisfied that in any notified market area a Committee is not functioning or two such areas or parts thereof are to be amalgamated or a part of any such area is to be amalgamated with another such area or is to be constituted into a separate notified market area, may by notification denotify any market area notified under subsection (1) or any part thereof and, when the whole of such area is denotified, cancel a Committee and transfer all the assets of that Committee which remain after satisfaction of all its liabilities of the Board. Such assets shall be utilised for the benefit of the producers of that area."

According to S. 6(2) if the State Government is satisfied that a part of area of a notified market committee is to be constituted to be a separate notified market area, it may, by notification, denotify any part thereof. The question that arises is whether the satisfaction of the Government is to be subjective or objective. This matter has already been decided by me in Civil Writ No. 2946 of 1972 (Malik Chuni Lal and others v. The State of Haryana), decided on December 19, 1972, wherein I held, in similar circumstances, that such satisfaction is to be subjective. The order passed under the sections is an administrative order and this Court will not sit in judgment over such an order. It is for the State Government to decide whether Market Committee is to be constituted in a particular area or not. If it is satisfied, then this Court will not go into the matter as to whether the order is proper or not. In the present case, it has been stated in the return of the Board that it received a communication from respondent No. 1 that feasibility of establishing a market committee at Chhachhrauli may be gone into and proposal be submitted to it. It collected the material from the Market Committee, Jagadhri and Market Committee, Yamunanagar and after

considering the figures supplied by those market committees, came to the tentative conclusion that it would be in the interests of the public if a notified committee is established for Chhachhrauli. It has denied that the action had been taken to have political gain. In the return of the State it has been mentioned that the committee has been set up at Chhachhrauli for better control and regulation of market produce. I have gone through the file of the State Government. It took a decision after collecting necessary information through the Market Committees, Jagadhri and Yamunanagar. The relevant data has been given in letter dated September 13, 1971, written by the Secretary of the Board to the Under Secretary to Government, Haryana, Agriculture Department, Chandigarh. The contention of the learned counsel for the petitioners that the pre requisites of section 6(2) of the Act have not been satisfied, in my view, has no substance. Though a plea had been taken in the petition that the order of the State Government has been passed at the instance of respondent No. 3, yet no argument was addressed on that. It may be mentioned that respondent has denied the allegations in his return. For the aforesaid reasons, I do not find any force in the contention of the learned counsel for the petitioners and reject the same.

3. The second contention of the learned counsel for the petitioners is that the petitioners filed objections which were not considered by respondent No. 1. In para 12 of the return of respondent No. 1, it has been specifically mentioned that the objections against the inclusion of Bilaspur Sub Yard in new Market Committee, Chhachhrauli were received which were considered and rejected on merit. The learned counsel for the petitioners has argued that the objections had been dismissed without giving reasons therefor. It is not necessary for the Government to write a very detailed order. If the objections were considered by the State Government and rejected, that is sufficient compliance with the provisions of the Act. The learned counsel for the State has vehemently argued that the objections were duly considered and the petitioners cannot make a grievance on that account. After taking into consideration the aforesaid facts, I find no scope for interference on this ground.

4. No other argument was raised before me.

5. For the reasons recorded above, this writ petition fails and the same is dismissed with costs. Counsel's fee Rs. 100/.