**(2001) 4 RCR(Civil) 30**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Civil Writ Petition No. 13382 of 2000

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| Munshi Ram (retired) | APPELLANT |
| Vs | |
| Haryana State Agricultural Marketing Board | RESPONDENT |

**Date of Decision:** Nov. 20, 2000

**Acts Referred:**

- Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000 - Rule 3

**Citation:** (2001) 4 RCR(Civil) 30

**Hon'ble Judges:** K.S. Garewal, J; Jawahar Lal Gupta, J

**Bench:** Division Bench

**Advocate:** Mr. Mohnish Sharma, for the Appellant;

**Final Decision:** Dismissed

**Judgement**

Jawahar Lal Gupta, J.

The petitioner was a member of the Indian Army. He retired as a Major after having rendered 36 years of service from the Procurement and Supplies Wing of the Army. He has approached this court with the prayer that a writ in the nature of Mandamus be issued directing the Haryana State Agricultural Board as also the Market Committee, Rohtak, to allot him a vegetable-cum-fruit shop/booth in the Vegetable Market "under the 6% reservation quota of Ex-servicemen in the 65 shops owned by the respondents....,".

2. The petitioner alleges that in the brochure issued by the Government of Haryana and published by the Haryana Rajya Sainik Board it has been provided that 6% reservation shall be made for commercial plots/shops for widows and Ex-servicemen by the Marketing Board. He submits that in accordance with this policy he had filed an application. Despite representations, the claim has not been accepted. On the contrary vide letter dated March 23, 1999, a copy of which has been produced as Annexure P6

with the writ petition, it has been observed that the Government has vide its "notification dated 23rd July, 1997..... decided to sell all the shops/booths in the State of Haryana through open auction.....". The petitioner prays that this order be quashed and that a shop be allotted to him.

3. We have heard Mr. Mohnish Sharma, learned Counsel for the petitioner.

4. Admittedly the Government had taken a conscious decision that the properties belonging to the Board shall be sold by open auction. It is a fair method; Ensures equality of opportunity. Still further, the petitioner was supplied with a copy of the notification dated July 23, 1997 issued by the State Government in this behalf. This notification has not been challenged. It has not even been suggested that the method as adopted by the State Government is illegal or unfair. Since the Board has merely followed the directive of the State Government, we find no infirmity in the decision communicated to the petitioner vide letter dated March 23, 1999.

5. Another fact which deserves notice is that the Government has promulgated the Haryana State Agricultural Board (Sale of Immovable Property) Rules, 2000. These Rules have been framed under the provisions of the Act and were published vide notification dated March 10, 2000. The method of disposal of property has been explicitly laid down in Rule 3. The petitioner has not even averted to these Rules. It has not been shown that the matter of allotment of plots is not governed by the statutory provisions as contained in the Rules.

6. Mr. Sharma submits that the petitioner has retired from service prior to the year 1992. He had made a claim for the allotment of a shop/booth in the year 1992. The Rules promulgated in the year 2000 cannot govern the allotment of plots. This contention cannot be accepted. Firstly, it has not been shown as to when the State Government had actually made reservation in the matter of allotment of shops/booths. Nothing has been produced on record to show that the stipulation in the brochure was in force on the date, the petitioner has submitted the application. Still further, the petitioner has placed nothing on record to show that he had a vested right to get a shop or to claim reservation. Thus, the respondents were not bound by the stipulation in the brochure in view of the Government''s decision of the year 1997. Still further, the petitioner has sought the relief through this petition in the year 2000. At the moment, the matter is governed by the provisions of statutory Rules. No allotment can be made in violation of the Rules. The petitioner has not even challenged the validity of the rules or the application thereof to the case in hand. Resultantly, no ground for interference is made out.

7. No other point has been raised.

8. In view of the above, we find no merit in this writ petition.

9. It is, consequently, dismissed in limine.

10. Petition dismissed.