

(2001) 05 P&H CK 0202

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 8869 of 2000

M/s Khem Chand Bhawan Dass
and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: May 29, 2001

Citation: (2002) 1 RCR(Civil) 621

Hon'ble Judges: Jawahar Lal Gupta, J; Bakhshish Kaur, J

Bench: Division Bench

Advocate: R.K. Jain, for the Appellant; J.B. Tacoria, for the Respondent

Final Decision: Dismissed

Judgement

Jawahar Lal Gupta, J.

The Petitioners are working as commission agents at Barwala, District Hissar. They pray for the issue of a writ in the nature of mandamus directing the Respondents to allot them "the plots in the new vegetable market, Barwala at the rates of the year 1996".

2. The Respondents contest the claim of the Petitioners.

3. Counsel for the parties have been heard. Mr. R.K. Jain, counsel for the Petitioners contends that commission agents had been directed to shift to the new market in the year 1995. They had approached this Court through Civil Writ Petition No. 6483 of 1995. It was pleaded that basic facilities did not exist in the new market yard. In the absence of facilities, no trade activity could be conducted. Thus, the order for shifting should be quashed. This writ petition was disposed of by a Bench of this Court vide order dated March 6, 1996. It was inter alia directed that eligible Petitioners would be allotted plots in the new market. They would file an undertaking that they would raise construction within the time allowed and shall close the existing sites and shift to the new premises. Till then, they would be allowed to carry on business in the old premises. Thereafter, the Petitioners had

filed the undertaking. However, the plots were allotted to them vide letter dated May 9, 2000. The price of the plot was fixed at Rs. 6,60,620/-. The counsel submits that this price is excessive. The Respondent-committee should charge at the rate which was prevalent in the year 1996.

4. On behalf of the Respondents, it has been pointed out that the Petitioners were in fact not eligible for allotment of plots in the new market yard. A wrong undertaking had been given on behalf of the Respondents. In the year 1997, rules were framed. The immovable property is to be disposed of in accordance with the provisions of Haryana State Agricultural Marketing Board (Sale of Immoveable Property) Rules, 1997. Despite these rules and in obedience to the directions of the court the plots have been allotted. The price has been fixed in strict conformity with the law.

5. It is the Petitioners' own case that no infrastructure existed in the new market yard in the year 1996. Thereafter, the area was developed. Plots were carved out and the allotment was made vide order dated May 9, 2000. The Respondents have assessed the price in conformity with their cost and rules. Nothing has been placed on the record to show that the price, as demanded, is excessive or that it has not been determined in conformity with the rules. The only submission made by the counsel is that in the year 1996 the price of the plot was Rs. 4,24,574/-. It is on account of the delay that an additional amount of Rs. 2,00,000/- is being demanded. Assuming it to be so, the Respondents have incurred liability of interest on the original price that is being recovered from the Petitioners. We find no violation of any rule or law. We also find no equity in favour of the Petitioners. Thus, there is no ground to interfere.

6. No other point has been raised.

7. In view of the above, this writ petition is dismissed. No. costs.

Sd/- Bakhshish Kaur, J.