

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-1450-2021 (O&M)
Date of Decision : May 28, 2025**

KULWINDER SINGH

-PETITIONER

V/S

PUNJAB STATE AGRICULTURAL MARKETING BOARD & ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Arshdeep Singh Sra, Advocate and
Mr. Himmat Singh Sidhu, Advocate
for the petitioner.

Mr. Aayush Arora, Advocate
for the respondents No.1 and 2.

Mr. Teevar Sharma, A.A.G, Punjab.

Mr. Nipun Bhardwaj, Advocate
for the respondent No.5.

KULDEEP TIWARI, J. (ORAL)

1. Fetching grievance from the administrative approval dated 19.11.2019 (Annexure P-2), whereby, the respondent No.1- Punjab State Agricultural Marketing Board granted sanction for special repair of road/Dharamshala of Village Kauni, Tehsil Gidderbaha, District Sri Muktsar Sahib, the petitioner has instituted thereagainst the instant writ petition.

2. The prime argument made by the learned senior counsel for the petitioner is that, the respondent No.1 cannot issue grants for the purpose of re-carpeting of streets inside the village. To lend vigour to this

argument, he places reliance upon Sections 25 to 28 of the Punjab Agricultural Produce Market Act, 1961. It is vociferously submitted that, the impugned administrative approval is not in consonance with the Marketing Development Fund and the purposes for its expenditure.

3. The learned senior counsel for the petitioner also draws attention of this Court towards various photographs and site plan, to submit that, in case, the road/street is allowed to be constructed/re-carpeted as per the existing project report, the petitioner would not be in a position to have ingress or egress to his house.

4. On the last date of hearing, i.e. 23.05.2025, this Court had, in order to find out any amicable solution of the dispute at hand, directed the Executive Engineer, Punjab Mandi Board, Sri Muktsar Sahib to hold meeting with the petitioner and the B.D.P.O. concerned, and, to submit a status report in this regard. The order drawn by this Court on 23.05.2025 is reproduced hereunder:-

“1. The learned senior counsel for the petitioner submits that, the intent of the petitioner is not to cause any impediment in the ongoing development work, rather his intent is only to secure his interest, which probably has not been taken into consideration by the authority(ies) concerned while planning re-carpeting of the street in question.

2. The learned senior counsel for the petitioner also submits that, they are ready to come up with a proposal acceptable to all, so that neither the petitioner nor the respondent(s) or any inhabitant's rights gets prejudiced.

3. The learned counsel for the respondents No.1 and 2 submits that, the offer (supra) of the learned senior counsel is acceptable to them and they are ready to consider the suggestions/proposals, if any, made by the petitioner.

4. In view of the above, this Court is of the opinion that, in case, a

chance is given to the parties, the matter can be amicably resolved. Therefore, the petitioner and the B.D.P.O. concerned are directed to visit the office of the Executive Engineer, Punjab Mandi Board, Sri Muktsar Sahib, on 26.05.2025, along with suggestions/proposal for amicable resolution of the dispute raised before this Court. After considering the suggestions/proposal, the Executive Engineer shall file a status report before this Court on the next date of hearing.

5. List on 28.05.2025, in the urgent list.

6. It is made clear that, on the subsequent date of hearing, no request for adjournment would be entertained on behalf of either side.”

5. In deference to the directions enclosed in the order (supra), today the learned counsel for the respondents No.1 and 2 has filed the status report, which is taken on record. This status report reveals that, the proposal made by the petitioner was duly considered by Technical Committee, however, the same was not found to be feasible inasmuch as, in case, the said proposal is accepted, it would cause water logging in the rear houses during rainy season. The relevant extract of the status report is reproduced hereunder:-

“...On 26-05-2025, the petitioner Mr. Kulwinder Singh and the representative of the B.D.P.O., Gidderbaha, appeared at this office. During the discussion, the petitioner proposed for laying an additional pipeline from the road to the village pond and for raising the road level in front of his house.

However, due to technical reasons, this proposal could not be accepted, as it would lead to water logging in the rear houses during the rainy season. It is to be noted that around 5-6 years ago, a 24-inch pipe was already laid by the Gram Panchayat to drain rainwater from the road to the village pond, and it is fully functional and adequate for the purpose. Therefore, there is no necessity for laying an additional pipeline. Moreover, the natural slope of the road is already directed toward the village pond.

It is further stated that the petitioner did not present any new suggestion today. The suggestions earlier proposed by the petitioner had already been rejected by the Hon'ble Court on the basis of a report submitted by the technical team of Maharaja Ranjit Singh Technical University, Bathinda, regarding water drainage.

Hence, in the absence of any new proposals, the road should be constructed as per the provisions and technical estimates already prepared.”

6. Since the petitioner's proposal has already been rejected by member(s) having technical expertise in the field, therefore, this Court cannot sit as a super technical expert and scrutinize the view of technical expert(s).

7. At this stage, the learned counsel for the respondents No.1 and 2 submits that, the Punjab State Agricultural Marketing Board had floated a tender for execution of the works in question, which was allotted to a private contractor. Most of the re-carpeting work, except the patch in front of the petitioner's house, has already been completed, and, upon expiry of the contract period, the contract allotted to the private contractor has also been terminated.

8. In view of the supervening events, and, in order to complete the remaining re-carpeting work of the street/road, which could not be completed on account of pendency of this writ petition, this Court deems it appropriate to direct the Deputy Commissioner, Sri Muktsar Sahib, to forthwith evaluate the amount of work remaining, get prepared budget estimate to complete the remaining work and then get the remaining work done through Gram Panchayat concerned by allocating the requisite budget. Moreover, the B.D.P.O. concerned is also directed to ensure the

execution of the remaining work in accordance with the project report already prepared by the Marketing Punjab State Agricultural Marketing Board. This entire exercise shall be carried out within one month from today.

9. Insofar as the issue/objection raised with regard to authority of the Punjab State Agricultural Marketing Board to allocate funds for construction of road/street is concerned, this Court is not adjudicating the same here on account of the supervening events noted in para 7, leaving it open to be adjudicated in an appropriate *lis*.

10. The learned State counsel is directed to communicate this order to the Deputy Commissioner, Sri Muktsar Sahib, for information and strict compliance.

11. Disposed of accordingly.

12. Pending application(s) also stand disposed of accordingly.

May 28, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No