

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

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CWP-15374-2025 (O&M)**Date of decision : 11.08.2025****M/s Puneet traders and others****... Petitioners****Versus****State of Punjab and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Alok Mittal, Advocate and
Mr. Ishwinder Singh, Advocate for the petitioners.

**********Anupinder Singh Grewal, J. (Oral)**

The petitioners have challenged the auction notice dated 13.05.2025 (Annexure P-4) vide which the shops at New Kurali Mandi, SAS Nagar, were to be auctioned.

2. Learned counsel for the petitioners submits that the petitioners had been issued licenses for carrying out their business in the Old Anaj Mandi and therefore, they are entitled to preferential allotment in the New Anaj Mandi.

3. Issue notice to the respondents.

4. Mr. Aftab Singh Khara, Senior DAG, Punjab accepts notice on behalf of respondent No.1. Mr. Sanjeev Sharma, Advocate accepts notice on behalf of respondents No. 2 to 4 and submits that the petitioners would be entitled to allotment only if they have been displaced and at present they are not being displaced and are carrying on their business in the Old Anaj Mandi. He also



submits that some of the petitioners had also participated in the auction and had been allotted alternate plots.

5. After hearing learned counsel for the parties, we are of the considered view that only those licensees, who are being displaced would be entitled to preferential allotment in the New Anaj Mandi.

6. In terms of Clause 3 of the allotment Policy, 1998, plots are to be allotted at concessional rates only to those Arhtias/licensees, who are going to be uprooted or displaced from the existing Mandi. As the petitioners are being not displaced from the existing Mandi, they would not have any right of preferential allotment or allotment at concessional rate. The relevant extract of Clause 3 of the allotment Policy, 1998 is reproduced hereunder:-

"Only those Arhtias will be eligible for allotment of plots on concessional rates who have been licensee Arhtias in old de-notified mandis for a minimum period of five years before the date of allotment. Such Arhtias must have paid market fee for the last four years."

7. Reference can also be made to the judgment of the Division Bench of this Court in case of **Aartee Welfare Association Sabzi Mandi Mohali (Regd.) Vs. State of Punjab and others**. The relevant extract of the judgment is reproduced hereunder:-

"It is not simply the sale and purchase of fruits and vegetables as in the old market yard but also the facilities of Cold Storage, Ripening Chamber, Pack House, Testing Facilities etc. which is part of the new facility being established. The State plans to enter into the public private partnership with the concessionaire who is to develop the area for the purpose of fruit and vegetable market. None of the right of the petitioners has been jeopardized for the reason that the old Mandi has not been de-notified and the petitioners are not to be displaced. The petitioners have a right to participate in the allotment process and to compete with all the participants who are willing to allotment of plots in the new Sabzi Mandi in the modern complex. The new complex is not for sale and



purchase of the food grains but being established to meet the directions of this Court in Hari Bhari National Environment Protection Society's case (supra). The petitioners cannot claim a preferential right for allotment of the commercial area in the new fruit and vegetable market under construction only for the reason that the petitioners are working in the old Sabzi Mandi. The new complex is not in lieu of the old Mandi. Therefore, the petitioners have no right to claim allotment of sites for their activities. They need to compete with other candidates seeking allotment of sites in accordance with law."

8. In view of afore-noted facts and circumstances, we do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

11.08.2025
Sapna

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No