

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 381 (M/S) of 2008

M/s Sharma Brothers, Krishi Utpadan Mandi Samiti, Sari Road,
Jwalapur, District Haridwar through its Partner Sri Mahendra
Kumar Sharma.Petitioner

Vs

1. Uttarakhand Krishi Utpadan Mandi Parishad, Rudrapur,
District U.S. Nagar, through its Director.
2. Deputy Director (Construction) Uttarakhand Krishi Utpadan
Mandi Parishad, Naveen Mani Sthal, Niranjanpur, Dehradun.
3. Secretary, Krishi Utpadan Mandi Samiti, Haridwar, Union
Haridwar.Respondents

Sri Pawan Mishra, learned counsel for the petitioner.

Sri H.S. Rawar, Advocate holding brief of Sri V.B.S. Negi, learned counsel for
the respondents.

Hon'ble B.S. Verma, J.

Heard.

The present writ petition has been filed by the petitioner to issue a writ, order or direction in the nature of mandamus, commanding the respondent authorities to number the shops of "B" category, situated from the entrance gate up to the last shop of "C" category in Naveen Mandi Sthal, Jwalapur, district Haridwar, starting No.1 of "B" category shop from the last shop of "C" category.

According to the petitioner, the Uttarakhand Krishi Utpadan Mandi Parishad (*for short Mandi Parishad*) is a body constituted by erstwhile State Government to regulate the sale and purchase of agriculture products etc. and the petitioner is a firm, running its business in the name and style of M/s Sharma Brothers at Mandi Samiti, Sarai Road, Jwalapur and Mahendra Kumar Sharma is the partner of the firm. It has been stated that petitioner firm has been issued a licence on 1-7-1993 to run the business bearing number WC-92 and the same was valid upto 30-6-1994.

The licence of the petitioner/firm has been regularly renewed by the authorities concerned till date.

Subsequently, the Mandi was shifted to Sarai Road, Jwalapur from Pul Jatwara in the year 1995 and in pursuance of the licence, the petitioner firm was allotted shop No. B-12. According, to the petitioner there are two category of shops "B" and "C", on the basis of Mandi fee chargeable thereon. In the year 2007, the Government took a decision to shift the Sabzi Mandi from its present revenue towards back side.

It has also been contended that on 168 shops were constructed at Naveen Mandi Sthal, Jwalapur, District Haridwar and the petitioner came to know that 70 old licence holder will be shifted to that place. According to the petitioner numbering of the shops was to be made as per by-laws of the Mandi Parishad but lateron, the respondent NO.2 informed the petitioner that there are no by-laws regarding the numbering of shops.

The grievance of the petitioner is that the respondent authorities have discriminately numbered the shops of "B" category from B-1 to B-12 in anti-clock directions while the numbering of "C" category shops has been done in clock wise directions, therefore, the respondent authorities have acted in illegal and arbitrary manner.

During the course of argument learned counsel for the petitioner could not show the Rules, which provides for numbering of shops.

Moreover, in paragraph 13 of the writ petition, it is admitted to the petitioner that there is no by-laws for numbering of shops. The petitioner also could not point out as to how he has been prejudiced by the numbering of shops by the respondent

authorities. The petitioner therefore could not make out the case for issue of writ of mandamus.

The writ petition is devoid of merit and is hereby dismissed in limine.

All applications stands disposed of accordingly.

(B.S. Verma, J.)

Dated: - 29-2-2008
M.K.