

1.
* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2807/2008

MANOJ KUMAR Petitioner
Through Mr. G.L.N. Murthy, Advocate.

versus

DELHI STATE CIVIL SUPPLIES CORP. LTD.&ANR Respondents
Through Mr. Amit Kumar & Mr. Somesh Chandra,
Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
05.10.2009

The impugned order dated 28th March, 2008 is based upon the report of the Enforcement Branch of Food and Supplies Department, Government of National Capital Territory of Delhi, which had conducted a search in a godown located in Boodpur Village, Alipur, Delhi and rice meant for Public Distribution System was seized on the spot. A truck with number HR-55A-5455 was found inside the godown and on inspection it was found to be loaded with 268 bags of rice and 21 and 18 bags were found to be marked with FPS Nos. 4755 and 8876. The FPS numbers on rest of the bags were rubbed off with red ink. 11,600 bags of rice of different types were found in the godown. One Bahadur made a statement that four more trucks with Public Distribution System rice were unloaded in the godown on the same day. Statement of the truck driver

was also recorded. In his statement, the truck driver had stated that the rice was being de-loaded in the godown on the basis of the instructions given by the petitioner. An FIR was also registered under the Essential Commodities Act, 1955. The truck found at the godown bearing No. HR 55A 5455 was one of the trucks, which had been hired by the petitioner for supply of food grains under the Public Distribution System. The impugned order dated 28th March, 2008 is a detailed order, which takes into consideration various contentions raised by the petitioner. The petitioner has raised only factual disputes contesting the findings of fact recorded in the impugned order. The impugned order does not merit interference while exercise of power of judicial review under Article 226 of the Constitution of India.

The writ petition is dismissed. No costs.

SANJIV KHANNA, J.

OCTOBER 05, 2009
VKR