

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2884 of 2015

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1. Jitendra Sao Son of Tileshtar Sao Breakfast and tea shop situated at New Market G.P.O. Golamber, Patna- 800001 Resident of Azad Path Purandarpur, P.S. - Jakkampur, District- Patna

2. Bijay Pandey Son of Ram Rekha Pandey Breakfast and tea shop situated at New Market G.P.O. Golamber, Patna- 800001. Resident of Mandiri, P.S.- Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Town Development and Housing, Patna.

2. The Secretary Department of Town Development and Housing , Government of Bihar, Patna.

3. The District Magistrate, Patna.

4. Executive Officer, Nutan Rajdhani Anchal, Patna Municipal Corporation, Patna.

5. Municipal Manager, Nutan Rajdhani Anchal, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Adv.
Mr. Pancham Lal Jaiswal, Adv.

For the Respondent-State: Mr. Suresh Kumar, GP-5

For the Intervenor : Mr. Rajeev Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-04-2015 Heard Mr. Rama Kant Sharma, learned Senior counsel for the petitioners, learned counsel for the State and the intervenors.

The two petitioners filed this writ petition claiming to be the occupants of shops situated opposite the G.P.O. round about, New Market Area besides the office of the Patna Municipal Corporation in which they are running breakfast and teashop since 1990. Although these two petitioners have claimed to be running a breakfast/teashop but there is no document to support such submissions.

On the contrary, an interlocutory application has been filed by the three persons bearing I.A.No.2790 of 2015 in which certain

documents have been enclosed which reflect that these two persons are in fact engaged in a liquor shop.

The petitioners while responding to the interlocutory application have enclosed an F.I.R. instituted by the petitioner No.1 against these interveners giving rise to Kotwali P.S. Case No. 133 of 2015 in which he has specifically admitted about running of the liquor shop as well that he has been operating the shop since last 10 years.

In so far as the petitioner No.2 is concerned the interveners have brought on record a licence issued by the Excise Department in his favour for operating run a country liquor shop. The statements so made have not been denied by the petitioners while filing their reply rather it is substantiated that they have misled this Court by stating that they are running a breakfast/tea shop when in fact these two petitioners are holders of Excise Licenses to run a liquor shop.

It is apparent that these two petitioners have not approached this Court with clean hands and the writ petition is accordingly dismissed.

The interlocutory application stands disposed of.

(Jyoti Saran, J)

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