

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 539 of 2015**

Kantesh Kumar Tiwari S/o Roop
 Narayan Tiwari aged about 30
 years through its power of
 attorney holder Pankaj Kumar
 Tiwari, S/o Ram Kumar Tiwari,
 aged about 25 Years, R/o Village
 Mulun, Tahsil Janjgir, Distt.
 Janjgir- Champa (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through
 the Secretary, Department of
 Excise, Mahanadi Mantralaya,
 Naya Raipur, Post Office & Police
 Station Naya Raipur, District
 Raipur (C.G.)
2. Excise Commissioner,
 Chhattisgarh, Raipur (C.G.)
3. Collector (Excise), Gariyaband,
 Dist. Gariyaband (C.G.)
4. District Excise Officer,
 Gariyaband, Dist. Gariyaband
 (C.G.)

---- Respondent

For Petitioner	:	Shri Rajeev Shrivastava.
For Respondents	:	Shri J.K. Gilda, Advocate General with Shri U.N.S. Deo, Govt. Advocate.

Hon'ble The Acting Chief Justice
Hon'ble Shri Justice Pritinker Diwaker

Order On Board**Per Navin Sinha, Acting Chief Justice****30/03/2015**

We have heard counsel for the Petitioner and the Advocate General

on behalf of the State.

2. Learned counsel for the Petitioner submits that pursuant to notice inviting bids for settlement of liquor shop for the year 2015-16 the Petitioner was informed on 28.2.2015 that he has been selected as the first candidate for settlement. He has complied with the conditions mentioned in the order dated 28.2.2015 and has also deposited the security amount on 2.3.2015. The Respondents have published a fresh advertisement which also includes Urmal Group in Gariyaband District for which the Petitioner was an Applicant.

3. Learned Advocate General submits that on the own showing of the Petitioner from his communication dated 2.3.2015, it is apparent that he has not fully complied with the order dated 28.2.2015 except for depositing the security amount.

4. In a writ petition, documents constitute primary evidence. If a person desires relief in writ jurisdiction it is for him to first establish the foundational facts by placing necessary documentary evidence on record. The evidence brought on record by the Petitioner in his communication dated 2.3.2015 leaves us satisfied that there has been part compliance by him of the conditions for settlement mentioned in the order dated 28.2.2015 by deposit of the security amount only. There is no mention in his communication with regard to submission of a notarized affidavit in the prescribed form along with other details as mentioned in Clause (3) of the order dated 28.2.2015. The order clearly stipulated that in absence of compliance, the selection would be cancelled. We find no reason to interfere. The writ petition is dismissed.

(Navin Sinha)
Acting Chief Justice

(Pritinker Diwaker)
Judge

