

CWP No.23233 of 2017

[1]

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

**CWP No.23233 of 2017
Date of decision:11.10.2017**

Rakesh Seth

...Petitioner

Versus

The State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. B.S.Jaswal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner has made the prayer for issuance of a writ in the nature of *mandamus*, directing respondent no.3-Deputy Commissioner, Amritsar and respondent no.4-Commissioner of Police, Amritsar, to issue license for running the business of fire crackers in the coming Diwali Season-2017 either in shop no.79 or any other shop situated in Truck stand, Transport Area, Amritsar or the land which the petitioner has taken on lease at village Manawala, Revenue Estate at GT Road from Amritsar to Jalandhar and had obtained No Objection Certificates from all the concerned authorities.

The petitioner had earlier approached this Court in the last Diwali Season-2016 for the issuance of license for running the business of fire crackers. The license was not issued to him despite the fact that the petitioner had made various representations and, ultimately, had to approach this Court by way of filing CWP No.21663 of 2016, which was disposed of by this Court on 26.10.2016, directing respondent no.3 therein, i.e. Deputy Commissioner, Amritsar, to consider and decide representation of the petitioner dated

05.07.2016 within a period of three weeks from the date of receipt of representation.

The said order dated 26.10.2016 has allegedly not been complied with by respondent no.3. The petitioner has now come to this Court at the fag end, when the Diwali is around the corner and is to be celebrated on 19.10.2017, with the aforesaid prayer for issuance of license.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that seriousness of the petitioner is reflected from the record placed before this Court as the order dated 26.10.2016, which was supposed to be complied with by the Deputy Commissioner, Amritsar, within a period of three weeks, has not been enforced by filing a contempt petition, as this Court cannot keep on passing the directions, one after the other, if the first direction issued by this Court is not complied with. Thus, the remedy available with the petitioner, at the first instance, was of filing the contempt petition for the compliance of the order dated 26.10.2016.

During the course of hearing, counsel for the petitioner has submitted that the contempt petition has already been filed by him which is listed today for hearing.

In view of the above, I do not find any merit in the present petition and hence, the same is hereby dismissed, though without any order as to costs.

October 11, 2017
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(Rakesh Kumar Jain)
Judge

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