

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13985 of 2006

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Sita Ram Paswan, son of late Ram Khelawan Paswan, resident of village Chauanwar, P.S. Mohanpur, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Food & Civil Supply, Govt. of Bihar, Patna,
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya
5. The Sub-Divisional Officer, Sherghati, Gaya
6. The Additional District Supply Officer, Sherghati, Gaya
7. The Marketing Officer, Mohanpur Block, Gaya.

.... Respondent/s

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Appearance:

For the Petitioner : Mr. Sanjay Kumar No.1, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-03-2018

The present writ petition has been filed for the following
reliefs__

- (i) *For issuance of an appropriate writ/order/direction to the respondents for quashing order dated 07.09.2006 passed in Appeal No. 11/2006 whereby and whereunder the learned Commissioner has rejected the appeal filed by the petitioner for setting aside the order contained in Memo No. 185 dated 13.07.2004 whereby and whereunder licence of the PDS shop of the petitioner was cancelled.*
- (ii) *For issuance of an appropriate writ/direction/order for quashing memo no. 31 dated 08.02.2004 whereby and whereunder the licence for PDS shop of the petitioner was suspended with immediate effect and for quashing the subsequent order whereby his licence has been cancelled.*
- (iii) *To grant any other relief or reliefs to which the petitioner is entitled under the facts and*



circumstances of the case as well as law.

2. Learned counsel for the petitioner makes a short submission to the effect that the relevant show cause dated 08.02.2004 was issued against five persons including the petitioner and on almost identical allegations, the order of cancellation of PDS licence passed in the case of Sita Ram Keshri has since been decided by this Court in its order dated 05.01.2012 in CWJC No. 13890 of 2006, *inter alia*, remitting back the matter to the licensing authority for fresh consideration.

3. Learned counsel for the respondents on the other hand relies on the counter affidavit to oppose the writ petition pointing out that the petitioner has annexed a document purporting to be the show cause reply filed before the Sub Divisional Officer, Sherghati (Annexure-4), whereas however, the show cause actually submitted before the Sub Divisional Officer was quite different (Annexure-A to the counter affidavit). The plea taken in the two documents is at variance. It is further pointed out that in his appeal, the petitioner has taken an entirely new plea of having gone to lunch, to explain the reason for his shop being closed.

4. The petitioner appears to have filed a document before this Court purporting to be the show cause reply filed before the Sub Divisional Officer, Sherghati. The same however, has been disputed in the counter affidavit, bringing on record a copy of the show cause reply actually filed by the petitioner. This aspect of the matter has not been



controverted by the petitioner and no rejoinder has been filed. This Court takes exception to the conduct of the petitioner but, however, refrains from imposing any cost.

5. Considering that the petitioner has not approached this Court with clean hands, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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