

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition-PIL No. 14070 of 2018
Date of decision: 14.05.2019

Jasbir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. C.M. Munjal, Advocate,
for the petitioner.

Ms. Monica Chibbar Sharma, Sr. DAG, Punjab.

Mr. Rakesh Verma, Advocate,
for respondents No.5 and 6.

ARUN PALLI, J. (Oral)

The petitioner, who is a resident of Pakki Tibbi, Tehsil Malout, District Sri Muktsar Sahib, purports to have approached this Court in public interest and claims to be a farmer.

A Mandamus is prayed for, commanding the official respondents to take appropriate and prompt criminal action against respondents No.4 to 6, to unearth a big scam, for respondents No. 5 and 6 in active connivance with respondent No.4 are selling duplicate and spurious seeds. Thus, it is prayed that respondents No.4 to 6 be booked under the Seeds Control Order, 1983, Essential Commodities Act and under Sections 420/467/468/471 of the Indian Penal Code, as also under the provisions of Prevention of Corruption Act.

Notice was issued and in response, respondent No.1, respondents

No.2&3 and respondents No. 5&6 have filed their separate written statements. Besides, the response on merits, respondent No.1, i.e. Department of Agriculture and Farmers Welfare, Punjab, has raised a preliminary objection that petitioner too was in the business of seed production and was running a firm under the name and style: M/s Green Seeds Farm, Pakki Tibbi, Tehsil Malout, District Sri Muktsar Sahib. He had acquired seed licence No.941, issued on 12.9.2013, which was valid up to 11.9.2016. Not just that, the petitioner's firm was blacklisted by Punjab Seed Certification Authority, vide letter dated 24.4.2015, for producing fake seeds, on the basis of fake bills. For, he had concealed these facts, the petition was liable to be dismissed.

Likewise, respondents No. 5 and 6, who are private entrepreneurs, i.e. Ashok Kumar Garg, proprietor: M/s Punjab Beej Bhandar, and Bhupinder Garg: proprietor of M/s Punjab Seed Company, in their common written statement, besides controverting the claim and allegations set out against them in the petition, maintain that, in fact, the petitioner happened to be their competitor and a business rival, therefore, besides submitting numerous complaints against them to different quarters, he had filed this petition to cause harm to their business. Further, real brother of the petitioner, namely, Mangal Singh, happened to be a former Director Agriculture, Punjab, and the petitioner while misusing his official position had committed many irregularities.

Significantly, the factual position, as narrated above, has not been controverted by the petitioner either by filing replication or any counter-affidavit. Thus, the only and the inevitable conclusion one could reach is: that the petitioner is guilty of having concealed and suppressed material

facts/information from the Court. It appears that the petition at hands is motivated and is filed to serve an oblique purpose. Apparently, it is centered upon a private interest. Thus, we are not inclined to examine the matter on merits, least in the present proceedings, and particularly at the behest of the petitioner. Thus, the petition is liable to be dismissed on this score alone. However, before we close the proceedings, we are reminded to point out that on 30th May, 2018, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia relies upon para 6 of the writ petition and submitted that respondent No.4 had granted benefit to respondent No.6 by taking huge bribes for adding by hand written two varieties of paddy, i.e. CR-212 and CR-244, which were never approved or certified as per Seed Control Order, 1983 nor approved by PAU, Ludhiana.

In order to test the bona fides of the petitioner and to compensate respondent No.4, in case, the allegations as alleged in para 6 of the writ petition are found to be false, a demand draft of Rs.1.00 lacs, drawn in favour of ‘Registrar General, Punjab & Haryana High Court, Chandigarh’ be produced in Court on the next date of hearing.”

The records show that in compliance to the order cited above, the petitioner had deposited a sum of Rs. 1 lakh by way of a demand draft, and vide order dated 1.6.2018, Registrar General of this Court was required to encash the same. But, since the issue, as noticed in the order dated May 30, 2018, referred to above: whether respondent No.4, who happened to be the Joint Director Agriculture at the relevant time, had, indeed, extended any benefit to respondent No.6 for an unlawful consideration, with hand written

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additions of two varieties of paddy, i.e. CR-212 and CR-244, not approved or certified, as per the Seed Control Order, 1983 or by PAU, Ludhiana, is not being determined by us, we consider it to be just and appropriate to refund the amount deposited by the petitioner particularly, when despite service, neither respondent No.4 has chosen to cause appearance nor filed any written statement/counter affidavit.

In the wake of the above, the writ petition is dismissed, as the petitioner is guilty of not having approached the Court with clean hands, and consciously concealed vital information and facts from the Court. Needless to assert that this order shall not enure to the benefit of respondents No.5 and 6, in the proceedings, if any pending, against them, arising out of the matter in question. However, for the reasons cited above, we direct the Registrar General of this Court to refund sum of Rs. 1 lakh to the petitioner, deposited in terms of the order dated May 30, 2018, by an appropriate mode, within a period of eight weeks.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.05.2019
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO