

The High Court Of Madhya Pradesh

WP-2634-2019

(AAJI MAA MAHILA KALYAN UDYOD SAHAKARI SANSHTHAN MARYADIT BHID FAIR PRICE SHOP
GOHAD DIST.BHIND THRO Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated : 13-03-2019

Shri Harshad Bahirani, Advocate for petitioner.

Shri R.K. Soni, Government Advocate for respondents/State.

This petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"A. That, the impugned order issued at Annexure P/1 and P/4 entire illegal, arbitrary action may kindly be quashed in the interest of justice.

B. That, any other suitable relief which this Hon'ble Court deem fit in the fact and circumstances of the case and cost of the present petition also may kindly be awarded."

First of all this Court would like to express its displeasure. The present petitioner had also filed another petition, which was registered as writ petition No.4250/2019 calling in question the order dated 7/2/2019 passed by the SDO (Revenue), Sub-division Mehgaon, District Bhind in respect of another fair price shop. By the said impugned order the licence of the petitioner to run the fair price shop has been rejected. The said writ petition was dismissed with liberty to the petitioner to file an appeal. Without disclosing the fact that this Court has already considered the submissions made by the counsel for the petitioner and has refused to entertain the petition and relegated the petitioner to the alternative relief of appeal, the counsel for the petitioner started arguing the matter afresh. It was submitted by the counsel for the petitioner that in fact the suspension order has been passed on the instructions of the Collector, therefore, the alternative remedy is not efficacious. To buttress his contentions, he has referred to the impugned order in which a reference to the letter dated 28/1/2019 written by the Collector (Food), District Bhind has been made. The same argument was

already dealt with by this Court while deciding writ petition No.4250/2019. It was expected of the petitioner that he should come to the Court with clean hands and he should have apprised this Court about the dismissal of his another petition in respect of different fair price shop, but unfortunately it was not done and only when this Court recollected the facts, it was admitted by the counsel for the petitioner that the similar petition filed by the petitioner in respect of the another fair price shop has already been dismissed by this Court by relegating the petitioner to the alternative remedy of appeal. It was expected of the counsel for the petitioner that before arguing the matter, he should have pointed out the order passed by this Court in another writ petition, but an attempt was made to obtain an order without disclosing the facts. This conduct of the counsel for the petitioner cannot be appreciated.

Furthermore, under the identical circumstances, this Court has refused to entertain the writ petition filed by the petitioner and has granted liberty to put to challenge the order of suspension of licence of fair price shop by filing an appeal.

Accordingly, this petition is also **disposed of** in the light of the order dated 5/3/2019 passed in writ petition No.4250/2019 with liberty to the petitioner to avail the alternative remedy of appeal.

(G.S. AHLUWALIA)
JUDGE

Arun*