

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWP No.302 of 2007

Date of decision: 30.3.2007

Gama Ram

.. Petitioner

Versus

State of Himachal Pradesh & others

... Respondents.

Coram:

The Hon'ble Mr.Justice Deepak Gupta,J.

The Hon'ble Mr Justice Surinder Singh, J.

Whether approved for reporting ?²

For the Petitioner

Mr Dinesh Bhanot, Advocate.

For respondents 1 to 3

**Mr. M S Chandel, Advocate General,
with Mr R M Bisht, Deputy Advocate
General.**

Deepak Gupta, J. (Oral)

The petitioner has approached this Court under Article 226 of the Constitution of India praying for the following amongst other reliefs:

- i) that the respondents may kindly be directed not to harass the petitioner unnecessarily.*

² *Whether the reporters of Local Papers may be allowed to see the judgment ?*

- ii) That the respondent may kindly be directed to allow the petitioner to do his business peacefully and allow the petitioner to earn his livelihood and not force the petitioner to close his business at Shalaghat;*
- iii) That the respondent No.3 be directed to take legal action and register FIR against respondent No.4 for his illegal act dated 27th and 28th February, 2007 whereby threatening was given to the petitioner and windscreen of his vehicle was broken by respondent No.4.*

The allegation of the petitioner is that he is working as a scrap dealer and had initially set up his business at Kandaghat. According to him, in May/June, 2006, some police officials from the Police Station, Kandaghat, District Solan came to his shop, arrested him and his son in relation to some wire theft case. The petitioner has further alleged that the police forced him to close his shop and threatened him that they will rope him in false cases. According to the petitioner he consequently closed his shop and shifted to Naina Tikker. According to him, there also he was harassed by the police

authorities and finally he had to leave his business at *Naina Tikker* and he again shifted his business to *Salogra* near *Kandaghat*.

According to the petitioner, in October, 2006 some police officials came to his shop and forcibly asked him to shut his shop. The petitioner further alleges that the entire aforesaid action has been taken at the instance of respondent No.4, who is Pradhan of Gram Panchayat *Kawarag* in District Solan. Other than the bald allegations in the writ petition, there is nothing on the record to support the version of the petitioner. The petitioner would have this Court believe that all the police authorities and officials acted at the behest of the Pradhan of the Gram Panchayat and forced him to shut his business. No name of any police official or any other person who allegedly asked him to shut his business has been mentioned in the petition. Though we were not satisfied with the averments made in the writ petition but on the insistence of the learned counsel for the petitioner, on the last date of hearing, we had asked the respondent-State to file the reply-affidavit because we wanted to be absolutely sure that no citizen of this Country is unduly harassed.

Perusal of the reply reveals a shocking state of affairs and clearly shows that the petitioner has tried to mislead and hoodwink this Court. In the reply it has been mentioned that ten FIRs have been registered against the petitioner and most of them relate to theft or receiving stolen property. No doubt in three of the criminal cases the petitioner has been acquitted but the fact remains that seven cases are still pending against the petitioner. The petitioner in the writ petition should have at least mentioned that so many criminal cases are pending against him. He deliberately chose to withhold this vital information from this Court.

The respondent-State along with the reply has also filed statements of certain villagers to disprove the case of the petitioner. We are not going into the disputed questions of fact raised therein but the fact remains that the petitioner had deliberately concealed material facts that he is involved in large number of criminal cases registered against him relating to theft / receipt of stolen property. Therefore, the petition is not entitled to any relief from this Court.

Keeping in view the aforesaid discussion, there is no merit in the writ petition,

which is accordingly dismissed. Since the petitioner has tried to hoodwink and mislead this court and has not come with clean hands he is burdened with costs of Rs.10,000/-. He is directed to deposit this amount of Rs.10,000/- within four weeks from today.

(Deepak Gupta),J.

March 30, 2007
(D)

(Surinder Singh),J.

