

(2013) 05 RAJ CK 0221

In the Rajasthan High Court

Case No : Civil Writ (PIL) Petition No. 1969 of 2013

Prema Ram

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 01-05-2013

Acts Referred:

Citation : (2013) 4 WLN 50

Hon'ble Judges : Dinesh Maheshwari, J;Arun Bhansali, J

Bench : Division Bench

Advocate : Mahesh Bora, Assisted by Mr. B. Roy Bishnoi, for the Appellant;

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—Having heard the learned counsel for the petitioner and having perused the material placed on record, we are unable to find a specific case for entertaining this matter as a Public Interest Litigation (PIL). The petitioner, asserting himself to be an active citizen and interested in social cause, has attempted to allege in the present petition that though there are specific rules in place so as to regulate the vending and consumption of Lance Poppy Heads (LPH), but the particulars of the permit-holders who could be supplied the commodity are not forthcoming and then, the vendors are allegedly committing irregularities by way of submitting forged documents and the commodity is being sought to be supplied with reference to the permits standing in the name of some of the deceased persons. It is also suggested that the information as sought for under the Right to Information Act has not been supplied and the order as passed by the District Excise Officer, Jodhpur dt. 29.11.2012 has been referred in this regard. The petitioner has prayed in the petition that,-

(i) The impugned inaction of the respondents may kindly be declared illegal and the respondents may kindly be directed to inquire the matter and check the irregularities which are continuously committed by the vendors and further the respondents may kindly be directed to disclose the actual number of the addicts

and the total consumption of the permitted drugs in past ten years.

(ii) The respondents may kindly be directed to grant contracts to the eligible vendors for selling the permitted drugs strictly as per the Rules and Guidelines and the existing contracts of vendors may be terminated forthwith.

(iii) The respondents may kindly be directed to issue/renew the licenses of the addicts as per the provisions of the Rules of 1985 and as per the recommendations of the committee constituted for this purpose.

(iv) Any other relief to which the petitioner is entitled, may be granted in his favour.

2. The learned Senior Counsel has attempted to argue that the particulars of the permit-holders are not being supplied and the details of the quantity being supplied to the licence vendors are also not forthcoming and, on the other hand, the illegality and irregularities with clandestine dealing in the commodity continues; and the authorities have failed to curb the menace.

3. We find the submissions as made, the pleadings as taken in the petition, and documents as filed, falling short of making out a case of Public Interest Litigation. No particulars are forthcoming from the petitioner as to which permit-holder has allegedly expired and as to what particular quantity was supplied on such a permit and by whom?

4. The generalized suggestion of so-called irregularities by the vendors without any particulars cannot be taken up for adjudication or inquiry. So far as the want of particulars sought under the Right to Information Act is concerned, it goes without saying that specific remedy under the said Act was available to the petitioner, if aggrieved of the whole or any part of the order dt. 29.11.2012.

5. On the cause attempted to be taken up, the petitioner is of course free to take recourse to appropriate remedies in accordance with law and for that matter, he can also bring to the notice of the authorities concerned any specific act of violation of any requirement of law by any person, but this petition, made with generalised suggestions, cannot be entertained. The writ petition stands rejected with the observations foregoing.