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**(2012) 04 RAJ CK 0046**

**In the Rajasthan High Court**

**Case No : Civil Writ Petition No. 13782 of 2010**

Ram Prakash sharma

APPELLANT

Vs

The union of India and Others

RESPONDENT

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**Date of Decision :** 20-04-2012

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2012) 04 RAJ CK 0046

**Hon'ble Judges :** Ajay Rastogi, J

**Bench :** Single Bench

**Advocate :** Rakesh Kumar and Mr. Ram Prakash Sharma, for the Appellant; S. Kasliwal with Ms. Suruchi Kasliwal, Tej Prakash Sharma, Ripudaman Singh Naruka, Mohammedin Ansari, CGSC, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

Ajay Rastogi

1. Both the writ petitions have been filed assailing the action of the respondents-IOC initiating the process of allotment for LPG distributorship for location Phagi, District Jaipur under the Rajiv Gandhi Rural LPG Distributorship Scheme. CWP-13782/2010 came to be filed 18.10.2010 questioning the order of the icoc dt.9.8.2010 (Ann.7) cancelling the selection and candidature of the petitioner for LPG distributorship under the aforesaid scheme and however, when further development had taken place and the allotment was made obviously to the empaneled candidate, CwP-3558/2011 was filed on 4.3.2011. Admittedly, this fact was not disclosed while filing the second writ petition that the earlier writ petition for the same subject matter is pending consideration. After notices of the later writ petition were issued, the registry tagged both the writ petitions and listed before the Court. At this stage, this fact was revealed that two petitions were filed for the same subject matter, taking note thereof, this Court directed the petitioner to file affidavit disclosing the justification for filing later writ petition and so also the fact as to why this material concealment was made while

invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

2. Pursuant to the order of the Court dated 16.4.2012, additional affidavit has been filed by the petitioner. Counsel for the petitioner tried to justify that the later writ petition has been filed in view of subsequent developments which has taken place and there appears no material concealment, but from the perusal of the affidavit which was filed, justification offered is nothing a face-saving device and it was expected from the petitioner to disclose the reason for filing second writ petition when the first writ petition for the same subject matter was pending in this Court. The successive writ petition was filed without seeking permission of this Court, which ordinarily should not have been filed. But taking lenient view of the matter, this Court warn the petitioner to be careful.

3. Counsel for the petitioner further makes a request, on instructions by the petitioner, that he may be permitted to withdraw CWP13782/2010.

4. Prayer is allowed. But looking to the conduct of the petitioner, the successive writ petition be allowed to be prosecuted provided the petitioner deposits a cost of Rs.11,000/- with the Secretary, Rajasthan State Legal Services Authority, receipt of which shall be filed in the registry. with these observations/directions, CWP13782/2010 stands dismissed and CwP-3558/2011 may be listed for admission.