

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1206 of 2015

- Amit Barwad (Kasar) S/o Late Shri Sharadchandra Kasar Aged About 34 Years R/o College Road, Ward No. 20, Mahavir Colony, Mahasamund, District, P.S. Mahasamund (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Commercial Tax (Excise), Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, Post Office Rakhi, District Raipur (Chhattisgarh)
2. The Excise Commissioner, Raipur, District Raipur (Chhattisgarh)
3. The Collector, Mahasamund, District Mahasamund (Chhattisgarh)
4. The Deputy Commissioner (Excise), Mahasamund, District Mahasamund (Chhattisgarh)
5. Trilochan Das S/o Shri Jadunath Das Aged About 36 Years R/o Baratha Vasudeopur, Mahanga, Cuttack (Orissa)

---- Respondent

For Petitioner
For Respondent/State

Mr. V.K. Pandey, Advocate
Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/11/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner has called in question the establishment of foreign liquor shop by respondent No.5 within an area, which is less than 100 meters from the National Highway 353.

(3) Learned counsel for the petitioner would submit that respondent No.5 has illegally established the shop by using the petitioner's land, whereas, if he follows the rules to place the liquor shop at a distance of more than 100 meters from the National Highway, it would not fall on petitioner's land.

(4) Learned counsel for the State would submit that as per the report of the Assistant District Excise Officer, Mahasamund, the shop established by respondent No.5 is 101 meters away from the National Highway.

(5) In view of the nature of dispute and since the demarcation has not been carried out by any Revenue Officer in presence of both the parties, it is directed that the Collector, Mahasamund shall get the land demarcated through the competent Revenue Officer in presence of the petitioner and respondent No.5. Based on the said demarcation report, the petitioner would be at liberty to make a representation before the licensing authority.

(6) Let the demarcation be carried out expeditiously preferably within a period of one month from today. If the petitioner prefers a representation thereafter, the licensing authority shall consider and decide the same after hearing respondent No.5, within a period of one month from the date of submission of representation.

Sd/-

Judge

(Prashant Kumar Mishra)