

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-10064-2015

Date of decision:- 19.05.2015

Rakesh Bansal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Sanjiv Bansal, Advocate,
for the petitioners.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioners have challenged the show cause notices dated 11.02.2015 issued to each of them and have sought compensation on account of the respondents having allegedly illegally sealed the liquor vends and having misappropriated the stock and equipment lying therein which belonged to the petitioners.

2. The petitioners had been granted licenses to run liquor vends for the year 2014-2015. The licenses came to an end on 31.03.2015. Prior thereto, each of the petitioners had admittedly failed to pay a part of the license fees. This led to the respondents sealing the petitioners' liquor vends on 10.02.2015. The petitioners contend that the sealing was illegal, inter alia, on account of the respondents not having given the petitioners any notice of the respondents' intention to do so. The impugned show cause notices were issued on 11.02.2015. The petitioners replied to them by letters dated 03.03.2015. The petitioners once again raised grievances against the impugned action.

3. We see no reason to interfere with the show cause notices at this stage. The petitioners ought to reply to the same. Admittedly, at least some amounts are due and payable by the petitioners to the respondents. There is no

offer before us to pay the same immediately. Whether the petitioners ought to be granted time and if so on what conditions are all matters which must be left to the authorities in the first instance. Questions such as the validity of the orders of sealing the liquor vends also ought in the first instance to be decided in the proceedings pursuant to the show cause notices.

4. The petitioners contend that apart from illegally sealing the premises, the respondents have also handed over the stock and equipment lying therein to the new licensees. The stock and equipment, according to the petitioners, belongs to them and the respondents have no right, title or interest of any nature whatsoever therein.

Firstly, these contentions now raised in the writ petition were never placed on record before the respondents, although this action was taken on 31.03.2015 i.e. after the issuance of the show cause notices dated 11.02.2015. The petitioners could have always placed the same on record in the proceedings pursuant to the show cause notices. The petitioners are at liberty to do so even now.

5. In these circumstances, the petition is disposed of by leaving the petitioners to answer the show cause notices. The petitioners are also at liberty to adopt appropriate proceedings including filing a fresh petition in respect of the goods allegedly belonging to them having been misappropriated. The appropriate stage to consider even this contention would be after the show cause notices are decided. The respondents shall decide the show cause notices latest by 31.07.2015.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S. SANDHAWALIA)
JUDGE

19.05.2015
Amodh