

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

CWP No. 1102 of 2015

DATE OF DECISION : 28.01.2015

Scientific Awareness & Social Welfare Forum (Regd.)

.... PETITIONER

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. H.C. Arora, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab,
for the respondents.

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SATISH KUMAR MITTAL, J. (Oral)

The instant writ petition has been filed in public interest, seeking direction to the Excise & Taxation Commissioner, Punjab (respondent No.3) to pass appropriate orders under Section 40 of the Punjab Panchayati Raj Act, 1994, on the resolutions passed by 60 Gram Panchayats, whose names have been mentioned in the body of the writ petition, falling within the State of Punjab for prohibiting the sale of liquor within their respective Gram Panchayat areas and requesting the Government not to open liquor vends in the area of those Gram Panchayats for the year 2015-16. It is the case of the petitioner that without taking a decision by respondent No.3 on those resolutions passed by various Gram

Panchayats, the liquor vends are being auctioned. Hence, a prayer has been made that before auctioning the liquor vends in the area of the Gram Panchayats, resolutions passed by those Gram Panchayats be considered and decided strictly in accordance with law by passing a speaking order well within time, so that the effected Gram Panchayat, if need arises, may challenge the said order before opening of the liquor vend in its area.

In pursuance of the notice of motion, affidavit dated 28.01.2015, duly sworn by the Excise & Taxation Commissioner, Punjab (respondent No.3) has been filed in court today. The same is taken on record and its copy has been handed over to learned counsel for the petitioner.

In paragraph 3 of the said affidavit, it has been categorically stated that the resolutions passed by the Gram Panchayats would be considered and decided, and the orders passed thereon will be communicated to the concerned Gram Panchayats well before 28.02.2015, and thereafter, the liquor vends, if to be opened in the area of those Gram Panchayats, will be auctioned in the second or third week of March, 2015. Thus, at this stage, the aforesaid affidavit dated 28.01.2015 satisfies the grouse raised by the petitioner.

Consequently, this petition is disposed of with the hope that before auctioning the liquor vend in a particular village, the resolution passed by the Gram Panchayat of that village will be duly considered in accordance with law, and the order passed thereon will be communicated to

the concerned Gram Panchayat well before 28.02.2015.

**(SATISH KUMAR MITTAL)
JUDGE**

January 28, 2015
ndj

**(DEEPAK SIBAL)
JUDGE**