

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 14853 of 2015
Date of decision : 15.10.2015

Sunder Singh

.....Petitioner

v.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Sherry K. Singla, Advocate, for the petitioner

Ms. Mamta Singla Talwar, DAG, Haryana

Mr. Mohan Singh Rana, Advocate, for respondent No. 6

Ramendra Jain, J. (Oral)

1. Brief facts of the case are that as per Excise Policy of the Haryana State for the year 2015-16, the allotment of retail outlet for country liquor (L-14A) and IMFL (L-2) was made by respondent No.2 for the financial year w.e.f. 1.4.2015 to 31.3.2016. The petitioner was declared successful bidder of retail outlet of country liquor (L-14A) against the auction price of ₹ 2,55,00,000/- for 2 main vends and 9 sub-vends as per location given by respondent No.1 in the aforesaid Policy. The petitioner deposited 21% of the aforesaid auction price as per Excise Policy and then further paid ₹ 9 lakhs towards the fee of 9 sub-vends i.e. ₹ 1 lakh each for every sub-vend. In total, he paid a sum of ₹ 1,25,28,000/-. After depositing the requisite sub-vend fee for Village Rattanpura, the petitioner moved an

application to respondent No.3 for grant of licence of sub-vends at Village Rattanpura, whereupon, respondents No.4 and 5 inspected the proposed site and after verification, respondent No.3 issued the licence vide order dated 15.4.2015 to the petitioner. Accordingly, the petitioner was running his sub-vends in Village Rattanpura and Audri after getting the requisite licence. However, to his utter surprise, respondent No.3 issued letter dated 25.6.2015 to him to shift his sub-vends of Village Rattanpur and Kait Mandi at least 2.5 Kms. from L-14A vend Behrampur, which was received by the petitioner on 6.7.2015. Thereafter, respondent No.3 ordered to close the aforesaid sub-vend in an illegal manner, wrongly mentioning the sub-vends of Kait Mandi instead of sub-vend Audri. Hence, the right of the petitioner had jeopardised, because, he was refrained from opening the aforesaid vends, despite payment of the requisite fee. Respondent No.3 had passed the aforesaid orders without issuing any show cause notice or affording an opportunity of hearing to the petitioner. Hence, by way of the present writ petition, the petitioner has prayed for quashing of the aforesaid orders dated 25.6.2015 and 7.6.2015 Annexures P-7 and P-8 respectively being perverse, illegal, arbitrary and contrary to the principles of natural justice.

2. During the course of arguments, learned counsel for the parties produced a compromise in between petitioner Sunder Singh and vender Subhash Chander, Group No. 25 of licence No. L-14A and Group No. 26 of licence No. L-2 vend at Behrampur, duly endorsed by the Excise and Taxation Officer (Excise), Jagadhri, whereby they have amicably resolved the matter in dispute regarding running of their respective vends/sub-vends.

3. Hence, in view of the above compromise, orders dated

25.6.2015 and 7.6.2015 Annexures P-7 and P-8 respectively do not survive and are, therefore, quashed. However, it shall be open to the respondent-department to take appropriate action against the petitioner or any other person, in case, any violation of the Policy is made.

(RAMENDRA JAIN)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

15.10.2015
Ashwani