

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17349 of 2015

Date of Decision: 20.8.2015

M/s AKEM Traders

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Vikram Jain, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing/cancelling the draw of lots for two units of liquor vends for the year 2015-16 allotted to respondents No.7 and 8 in District Moga which was required to be held separately for each category, i.e., 55MC-1/1 and 55MC-2/1 known as Group-1 and Group-2, respectively. Further a writ of mandamus has been sought directing the official respondents to re-allot the said liquor vends in a transparent manner by adopting the due course of law.

2. In the year 2015, State of Punjab announced the Excise Policy for the year 2015-2016 under the Punjab Excise Act, 1914 and the rules framed thereunder. In the month of March 2015, allotment of liquor vends of the different license, i.e. PML/IMFL/Beer of vends/Groups have been held in District Moga. As per the terms and conditions of the

statement of proposed licence fee (Annexure P-1) issued by the Excise Department, Punjab, in District Moga, there were two categories, namely, 55MC-1/1 and 55MC-2/1 which were also known as Group-I and Group-2, respectively. The petitioner applied in both the categories vide receipts dated 23.3.2015 (Annexure P-2 Colly) and the draw of lots was to be held separately. However, the Excise Department held a single draw of lots for the liquor vends in District Moga after clubbing both the categories in which respondents No.7 and 8 were the successful allottee in Group-I and Group-2, respectively. The petitioner served a legal notice dated 9.5.2015 (Annexure P-3) upon respondents No.1 to 6 for cancellation of draw of lots, but to no effect. Thereafter, the petitioner moved a representation dated 7.7.2015 (Annexure P-5) followed by a reminder dated 15.7.2015 (Annexure P-6) to respondents No.1 to 3, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 9.5.2015 (Annexure P-3) to respondents No.1 to 6 and thereafter, made a representation dated 7.7.2015 (Annexure P-5) followed by a reminder dated 15.7.2015 (Annexure P-6) to respondents No.1 to 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the legal notice dated 9.5.2015 (Annexure P-3) and the representation dated 7.7.2015 (Annexure P-5) followed by a reminder dated 15.7.2015 (Annexure P-6), in accordance with law by

passing a speaking order and after affording an opportunity of hearing to the petitioner within a fortnight from the date of receipt of certified copy of the order.

**(AJAY KUMAR MITTAL)
JUDGE**

August 20, 2015
gbs

**(RAMENDRA JAIN)
JUDGE**