

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18389 of 2015

Date of Decision: 2.9.2015

Mange Ram

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vivek Singla, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this 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 the orders dated 1.4.2015 (Annexure P-8) and dated 6.4.2015 (Annexure P-9) passed by respondent No.3. Further, a prayer has been made restraining the respondents from initiating coercive methods for recovery of the alleged amount.

2. The respondents have been issuing excise arrangements showing the location of the vend for various years and issued excise arrangement for the year 2013-15 (Annexure P-1). They have issued an excise policy for the year 2015-16 (Annexure P-2) for the State of Haryana for the allotment, sale and distribution of the liquor. In pursuance of Annexure P-1, the respondent issued a public notice dated 5.3.2015 (Annexure P-3) for E-Tenders for allotment of retail liquor

licences of country liquor and Indian Made Foreign Liquor (IMFL). The petitioner submitted an application for allotment of liquor vends and the IMFL and gave his E-Bid for the allotment under L-14/A licence. He was allotted Group Nos. 9, 18, 19, 30 and 31. The petitioner deposited 5% earnest money vide receipt, Annexure P-5. As per the excise arrangement for the year 2015-16 (Annexure P-6), the location of the vends was published by the respondents under licence L-14/A. One Jugnesh Chaudhary filed CWP No. 4542 of 2015 impugning the action of the respondents allowing the vends to operate directly on the State Highway. On coming to know about the writ petition, the petitioner filed a representation dated 23.3.2015 (Annexure P-7) for refund of the amount as the vends were in contravention of the order of this Court. The respondents vide orders dated 1.4.2015 (Annexure P-8) and dated 6.4.2015 (Annexure P-9) cancelled the allotment of the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that since no demand notice claiming the relief as claimed has been filed with the respondents, liberty be granted to the petitioner to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition, however, direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

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 granting liberty to the petitioner to file a detailed and comprehensive representation raising all

the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner within a period of two weeks from the date of receipt of certified copy of this order, the same shall be decided by respondent No.2 or any other duly authorized authority in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of six weeks from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

September 2, 2015
gbs

(RAMENDRA JAIN)
JUDGE