

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24366 of 2014 (O&M)

Date of Decision: 14.9.2015

Sanjeev Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. A.K. Jain, Advocate for the petitioner(s) in
(CWP Nos. 24366 of 2014 and 2799 of 2015).

Mr. Varun Baanth, Advocate for the petitioner in
(CWP No. 12073 of 2015).

Ms. Mamta Singla Talwar, DAG, Haryana.

AJAY KUMAR MITTAL, J.

1. This order shall dispose of three petitions bearing CWP Nos. 24366 of 2014, 2799 and 12073 of 2015 as according to learned counsel for the petitioners, the issues involved therein are identical. For brevity, the facts are being extracted from CWP No. 24366 of 2014.

2. 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 the public notices dated 21.5.2014 and 28.8.2014 (Annexures P-10 and P-11 Colly) issued by respondent No.3 allowing rebate upto 60% for licence fee in violation of Clause 2B (i) of the Excise Policy for the year 2014-15 (Annexure P-6). Further, a writ of mandamus has been sought directing the respondents to treat the

petitioner at par with the other allottees and refund the licence fee charged in excess from him.

3. A few facts necessary for adjudication of the present writ petition as narrated therein may be noticed. A Public Interest Litigation (PIL) bearing CWP No. 25777 of 2012 with regard to removal of liquor vends located on highways was filed in pursuance to the letter dated 1.12.2011. This Court vide order dated 30.7.2013 (Annexure P-2) ordered for removal of liquor vends on the highways in compliance with the letter dated 1.12.2011. Further, this Court vide order dated 17.12.2013 (Annexure P-3) declined the prayer of the respondents for continuation of the policy upto 2015. The State of Haryana was directed to close the liquor vends and to place on record the amended policy by this Court vide order dated 29.1.2014 (Annexure P-5). Against the said order, the State of Haryana filed Special Leave Petition which was dismissed by the Supreme Court vide order dated 10.3.2014 (Annexure P-4). The State amended the policy for the year 2014-15 (Annexure P-6) by inserting clause 2B with regard to establishment of liquor vends on the highways and ordered for shifting of such liquor vends. The amended excise policy for the year 2013-15 was placed on record of CWP No. 25777 of 2012 which was accepted by this Court vide order dated 18.3.2014 (Annexure P-7). In pursuance to the amended excise policy, the respondents issued a notice, Annexure P-8, to all the liquor vends on the highways for submission of application for renewal of their licences for the year 2014-15 subject to the payment of licence fee which was charged for the year 2013-14 without charging enhancement of 5%. Since, the petitioner was having four liquor vends on the National Highways in Group Nos. 5, 8, 9 and 10, he applied for renewal of the

licences, Annexure P-9 (Colly) for the year 2014-15. The liquor vend owners (total 21 in number) whose vends were on the highways and did not opt for renewal of licences in District Ambala were declared affected and were to be re-allotted at the reserve price equal to the proportional licence fee of that vend for the year 2013-14. Respondent No.3 vide public notice dated 21.5.2014 (Annexure P-10) invited tenders for allotment of the affected vends as per Clause 2.30 of the old policy and not as per the amended policy. Further, public notices dated 25.6.2014, 26.6.2014, 2.7.2014 and 28.8.2014 (Annexure P-11 Colly) were issued for the allotment of the affected liquor vends by reducing the reserve price from 20% to 60% of the licence fee of liquor vend for the year 2013-14 under Clause 2.30 of the amended excise policy for the year 2014-15. Hence, the present writ petitions.

4. Learned counsel for the petitioner(s) submitted that since no demand notice claiming the relief as claimed has been filed with the respondents, liberty be granted to the petitioners 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.

5. After hearing learned counsel for the parties, the present writ petitions are disposed of by directing the petitioners to file any other document or a detailed and comprehensive representation(s) before respondent No.2 within a period of two weeks from the date of receipt of a certified copy of the order. It is directed that in case any representation(s) is filed, respondent No.2 shall decide the same in

accordance with law by passing a speaking order and after affording an opportunity of hearing to petitioners within a period of four weeks from the date of receipt of the representation(s).

(AJAY KUMAR MITTAL)
JUDGE

September 14, 2015
gbs

(RAMENDRA JAIN)
JUDGE