

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4542 of 2015 (O&M)

RESERVED ON: 26.03.2015

DATE OF DECISION: 01.04.2015

Jugnesh Chaudhary

....Petitioner

versus

The State of Haryana and others

.....Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SANDHAWALIA**

Present: Mr. Vivek Singla, Advocate for the petitioner

Mr. Lokesh Singhal, Addl. Advocate General,
Haryana

..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE :

The petitioner has sought a writ of certiorari to quash the excise arrangements for the year 2015-16 and a writ of mandamus directing the respondents not to auction the vends which are near/situated on the national or State highway.

2. He contends that the excise policy for the year 2015-16 is contrary to the judgment of the Division Bench of this Hon'ble Court dated 18.03.2014 in Arrive Safe Society Vs. National Highway Authority of India and another, CWP

No.25777 of 2012. The petitioner contends that by the said order and judgment certain directions were issued. Those directions, it must be noted, have been complied with in the said policy for the year 2015-16. It is contended, however, that the location of the vends has remained unchanged which defeats and is contrary to the said order and judgment.

3. The submission is not well-founded. Indeed, the locations notified are the same. The exact plots where the liquor vends are to be located are not specified. It is the locality/area such as the village which is mentioned. Every part of a village is not necessarily on or near a national or a State highway. Every part of the village/locality is not necessarily visible from a State or a national highway. Every part of the village/locality is not necessarily accessible from a State or a national highway. In other words, an entire village or locality cannot be excluded from the policy. Only that part or location thereof must be avoided which would be contrary to the policy.

4. If, in a particular case, a vend is located contrary to and in violation of the directions issued by the judgment and/or the excise policy, it is always open to a party concerned to file a complaint or adopt any other appropriate proceedings in relation thereto.

By a separate order and judgment, we disposed of CWP No.5249 of 2015 titled as Arrive Safe Society of Chandigarh vs. State of Haryana, etc. We accepted the petitioner's suggestion regarding the mode and manner of making and receiving complaints. The petitioner herein can also obviously avail of the same.

5. The writ petition is accordingly dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

Ist April, 2015
parkash*

(G.S. SANDHAWALIA)
JUDGE

Note:- Whether reportable: YES/NO. [✓]