

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.197 of 2014

Mukund Lal Rathore S/o Late Shri Chhote Lal Rathore Aged About 79 Years
Through Power Of Attorney Holder, Vinay Rathore S/o Shri Mukund Lal
Rathore Aged About 38 Years, R/o Rathore Chowk, Raipur, Tahsil & Distt.
Raipur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh S/o Through Collector (Excise) Distt. Raipur C.G.
2. Commissioner Of Excise, C.G. Excise Department Raipur C.G.
3. Assistant Commissioner Cum Collector, C.G. Excise Department,. Raipur C.G.
4. Ashish Kumar Rathore S/o Shri Sharad Kumar Rathore R/o Pratap Sadan
Rathore Chowk Raipur, Tahsil & Distt. Raipur C.G.

---- Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy.AG
For Respondent No.4	:	Shri V. R. Tiwari, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2016

This petition has been filed by the petitioner challenging grant of license and action of the State authorities in renewing FL-3 License.

2. Learned counsel for petitioner submits that there exists a dispute between brothers i.e. the petitioner and the respondent No.4. He submits that the license, which has been granted to the respondent No.4 under the provisions of the Excise Act and its renewal, is illegal.

3. Learned counsel for respondent No.4 submits that there is no illegality in grant of license. He submits that there is an interim order in his favour granted by the Civil Court vide order dated 25-02-2012, extended from time to time.

4. This petition is in respect of license period, which is coming to an end in the month of March, 2016. Therefore, in these circumstances, I am not inclined to decide the issue raised in this petition. However, as and when the respondent No.4 applies for renewal or grant of license before the competent authority, it would be open for the petitioner to raise such objection as may be available to him under the law. It is observed that the competent authority shall consider the application for renewal/grant of license filed by the respondent No.4 as also decide those objections raised by the petitioner, in accordance with law.

5. With the aforesaid observation, this petition is finally disposed off.

SD/-
Manindra Mohan Shrivastava
Judge