

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10736 of 2016

Date of Decision: 27.5.2016

Subhash Chander Dhull

....Petitioner.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Chetan Mittal, Senior Advocate with
Mr. Vivek Singla, 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 the action of respondents No.1 to 3 in permitting respondent No.4 to open L-13 wholesale liquor vend in his command area. Further, a writ of mandamus has been sought directing respondents No.1 to 3 not to permit any contractor to open the wholesale liquor vend beyond the command area of the petitioner.

2. The petitioner is engaged in the business of liquor and has been participating in the sale and purchase of the liquor in the State of Haryana. State of Haryana framed a excise policy for the year 2016-17) (Annexure P-1) for controlling the sale of liquor and for the purpose of revenue. In pursuance to the excise policy, Annexure P-1, respondents No.1 to 3 issued excise arrangement for the year 2016 for country liquor, i.e. L14-A licences including District Jind (Annexure P-2). The petitioner

was allotted six groups in Jind City, i.e. Group Nos. 1 to 4 and 6 in General Category and Group No.5 in reserved category vide licences dated 1.4.2016 (Annexure P-3 Colly). The petitioner was allotted licence No.2 (Annexure P-4) for L-13 wholesale outlet of country spirit in his command area. The distance between L-13 of the petitioner and the proposed site where respondent No.4 has moved an application for setting up of wholesale outlet is hardly 150 meters and the official respondents were bent upon to issue licence to respondent No.4 for opening of L-13 wholesale outlet adjacent to the wholesale outlet of the petitioner. Accordingly, the petitioner moved a representation dated 19.5.2016 (Annexure P-5) to respondent No.2 for not permitting the contractor to open L-13 wholesale liquor vend in his command area, but no response has been received. 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 representation dated 19.5.2016 (Annexure P-5) to respondent No.2, 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 representation dated 19.5.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the concerned parties, i.e., the petitioner and respondent No.4 within a period of 15 days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 27, 2016
gbs

(RAJ RAHUL GARG)
JUDGE