IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12246 of 2016

Date of Decision: 3.6.2016

Dharam Pal Kalia and another

....Petitioners.

Versus

The State of Punjab 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. Piyush Kant Jain, Advocate with
Mr. Viren Jain, Advocate and
Mr. Raj Shekhar, Advocate for the petitioners.

**AJAY KUMAR MITTAL, J.**

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the license/permit (Annexure P-3) and Plan Approval (Annexure P-4) granted by respondents No.1 to 4 to respondent No.5 for opening the liquor vend and Tavern in residential property bearing House Nos. 3193-3194, Gurdev Nagar, Ludhiana in violation of the Punjab Excise Act, 1914, Punjab Intoxicants License and Sales Orders, 1956 and Excise Policy for the year 2016-17.

2. The petitioners are residing in Gurdev Nagar, Ludhiana as is

discernible from the Aadhar Cards (Annexures P-1 and P-2, respectively). Within the vicinity of the said locality and close to the residences of the petitioners, there is a residential property bearing House Nos. 3193-3194 situated on the corner/intersection of the Sigma Road, Backside Ansal Plaza, Ludhiana and intersecting road leading to a Hindu Temple known as Gajju Babaji Di Samadhi in the vicinity. During the previous years, i.e. 2013-15 there was no liquor vend on the site in question. In March, 2016, Excise Policy for the year 2016-17 was notified wherein under Rule 15, it has been provided that no liquor vends would be set up in the vicinity of religious and educational places and establishments and even at prohibited places. In April, 2016, respondent No.5 unauthorizedly set up a liquor vend/Tavern/Drinking place on the site in question. The Department of Excise and Taxation in CWP No. 4681 of 2014 had filed an affidavit before this Court that the conditions prescribed under the Excise Law and Rules governing the Administration of Liquor Vends would strictly be complied with. Some of the residents of the locality filed a civil suit on 2.5.2016 against the opening of the liquor vend in question. Respondent No.5 claimed to have been issued a Licence/Permit in Form-32 dated 10.5.2016 (Annexure P-3) by the respondents for opening the liquor vend and a site plan (Annexure P-4) approved by respondent No.4 for setting up the vend at the site in question. Further, the actual construction of the vend is made against the plan got illegally sanctioned as is discernible from the photographs and site plan (Annexure P-5 Colly). The residents of the locality of Gurdev Nagar, the Gurdev Nagar Association (Regd.) through their members made representations dated 15.5.2016 (Annexure P-6) and dated 16.5.2016 (Annexure P-7) for not opening the liquor vend in the residential area, but to no effect. Thereafter, the petitioners sent a legal notice 25.5.2016 (Annexure P-8) to respondents No.1 to 3 followed by a reminder (Annexure P-9) for closing down the liquor vend granted to respondent No.5, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice 25.5.2016 (Annexure P-8) to respondents No.1 to 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 legal notice 25.5.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the concerned parties, i.e. the petitioners and respondent No. 5 within a period of 15 days from the date of receipt of certified copy of the order.

**(AJAY KUMAR MITTAL)**
**JUDGE**

**June 3, 2016** **(RAJ RAHUL GARG)**
gbs **JUDGE**