

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8767 of 2016

Date of Decision: 6.5.2016

M/s Punjab Wines, Moga

....Petitioner.

Versus

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. Vikram Jain, 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 mandamus taking action against the excise officials posted at Moga for promoting cartelization and allowing respondents No.5 and 6 to operate more liquor vends than the prescribed liquor vends in Moga Corporation in violation of the Excise Policy for the year 2016-17 in the State of Punjab. The respondent-authorities be directed to close the extra liquor vends than the prescribed liquor vends of respondents No.5 and 6. Further, a writ of mandamus has been sought directing the respondent-authorities to decide the legal notice dated 27.4.2016 (Annexure P-1) within the time frame work.

2. State of Punjab announced its Excise Policy for the year 2016-17 in March, 2016. The petitioner was allotted two groups of L-2/L-14 liquor vends for the excise year 2016-17 in Moga District Corporation and they started functioning from 1.4.2016. The petitioner was required to pay the license fee for the entire period, i.e., from 1.4.2016 to 31.3.2017. In Moga District (Urban) and Moga District (Rural), total 31 groups were allotted. Respondents No.5 and 6 are the major stake holders in the liquor trade in Moga District (Urban and Rural). Further, respondents No.5 and 6 were allotted two-two groups in Moga Corporation, Punjab, i.e. five-five shops in each group or in total ten ten shops for each group. As per the excise policy, respondents No.5 and 6 were to operate twenty shops in Moga Corporation, Punjab. However, respondents No.5 and 6 are operating total 29 liquor vends instead of 20 liquor vends in contravention of the Punjab Excise Policy for the year 2016-17. Accordingly, the petitioner served a legal notice dated 27.4.2016 (Annexure P-1) upon respondents No.1 to 4 for taking action against respondents No.5 and 6, 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 legal notice dated 27.4.2016 (Annexure P-1) to respondents No.1 to 4, 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.1 to take a decision on the legal notice dated 27.4.2016 (Annexure P-1), 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 respondents No.5 and 6 within a period of two weeks from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 6, 2016
gbs

(RAJ RAHUL GARG)
JUDGE