

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (PIL) No.38 of 2017

1. Rakesh Mohan Sharma, S/o Shri Arun Sharma, aged about 45 years, R/o Laxman Niwas, Main Road, New Bus Stand, P.S. and District Bemetara (C.G.)
2. Malay Sharma, S/o Shri Late Basank Sharma, aged about 44 years, R/o Ward No.7, State Bank Colony, P.S. and District Bemetara (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, Department of Excise, Mahanadi Bhawan, Naya Raipur (C.G.)
2. Commissioner, Excise, Labhandi, Chokara Nala, Raipur, District Raipur (C.G.)
3. Collector, Bemetara, District Bemetara (C.G.)
4. District Excise Officer, Bemetara, District Bemetara (C.G.)
5. The Chief Municipal Officer, Municipal Council Bemetara, District Bemetara (C.G.)
6. Shri Awadh Ram, S/o Jodhiram, R/o Village Bemetara, P.S. and District Bemetara (C.G.)

---- Respondents

For Petitioners: Mr. Vinay Pandey, Advocate.
 For Respondents No.1 to 4: Mr. A.S. Kachhawaha, Addl. A.G

Hon'ble the Acting Chief Justice and
Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board By Sanjay K. Agrawal, J

16/03/2017

1. This public interest litigation has been filed by the writ petitioners alleging that the country-made liquor shop situate in Village Pikari, Patwari Halka No.56/1, District Bemetara, is

being shifted to Mudapar-Manpur Road at Bemetara which is a densely populated area and two Aangan Badi Centres and Public Distribution Centre are situated therein therefore, there is an agitation for shifting of the liquor shop at Mudapar-Manpur Road. According to the petitioners, they have made representation to the Collector, but the Collector has not taken any action and the representation is still pending consideration.

2. The State/respondents No.1 to 4 have filed a short counter-affidavit stating inter alia that now, the present liquor shop is to be run and managed by the Chhattisgarh State Marketing Corporation Limited and for that purpose, land and building situated at Khasra No.162/4, Patwari Halka No.27, Bemetara has been taken on lease on monthly rent and the said land and building belong to Awadhram Sahu, S/o Late Jodhram Sahu – respondent No.6 herein. It has also been submitted that the said land and building is 1,100 meters away from the National Highway and there is no residential building adjacent to the proposed shop and also there is no school building, PDS shop, religious place or Aangan Badi Centre adjacent to the proposed shop.
3. Since the petitioners have made objection / representation on such shifting of liquor shop from one place to another, we deem it expedient to direct the Collector that he would consider and decide the matter, if fresh representation is made by the petitioners in addition to what has been made earlier. If such a representation is made afresh, the Collector shall decide the

same within a period of one week from the date of receipt of the same.

4. With the aforesaid observation, the public interest litigation stands finally disposed of.
5. It is made clear that we have observed nothing on merits and the Collector would decide the representation, in accordance with law.

Sd/-
(Pritinker Diwaker)
Acting Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge

Soma