

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1195 of 2017

Smt. Soma Singh W/o Sanjay Singh, Aged About 33 Years Occupation Business Women, R/o Malviya Nagar, Durg, District Durg (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Excise, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Excise Sunita Park Labhandi, Excise Building, Raipur, District Raipur (Chhattisgarh)
3. Assistant Commission Excise Circle Durg, District Durg (Chhattisgarh)
4. District Excise Officer, Durg, District Durg Chhattisgarh.
5. Executive Engineer, Public Works Department, Durg Division, District Durg (Chhattisgarh)
6. Rajkumar Narayani, Green Chowk, Stationpara, Durg, District Durg (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri R.S. Baghel, Advocate
For State	:	Shri Ramakant Mishra, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/04/2017

Heard.

1. The dispute raised by the petitioner is of factual nature that the petitioner's shop is situated beyond 500 metres of the State highway.

However, learned counsel for the State submits that the petitioner has placed on record a report of Assistant Commissioner, Excise, District Durg, which itself shows that shop of the petitioner is situated at a distance of 450 metres. Therefore, as per the judgment of Hon'ble Supreme Court in the case of **The State of Tamil Nadu Vs. K. Balu** (AIR 2017 SC 262) , the shop cannot be allowed to be run.

2. Considering the factual nature of dispute as to whether the shop is beyond 500 metres or within the range of 500 metres, the issue cannot be gone into by this Court. As the petitioner has already made a representation, the authority may consider to carry out fresh measurement. Thereafter, If the petitioner is again not satisfied with the measurement, it will be open for him to take recourse to appropriate remedy as may be available to him under the law.
3. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen