

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1301 of 2017

- Amresh Dubey S/o Shree Rambriksh Dubey, Aged About 45 Years, R/o Dayalband, Police Station City Kotwali, Bilaspur Tehsil And District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Department Of Excise, Capital Complex, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Commissioner (Excise), Office of The Excise Commissioner, Raipur, District Raipur, Chhattisgarh.
3. Collector, Bilaspur, District Bilaspur (Chhattisgarh)
4. Assistant Commissioner (Excise) Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Kishore Bhaduri and Shri Mahendra Dubey, Advocates
For State	: Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/05/2017

1. Heard.
2. Learned counsel for the petitioner submits that the respondent authority, without making proper measurement, have assumed that the liquor shop of the petitioner is situated within 500 meters from the end of the National Highway and therefore in complinace of the Supreme Court direction in case of **State of Tamil Nadu and others vs. K. Balu and another**¹ a direction has been issued to close the shop.
3. Learned State counsel submits that the petitioner has made representation to the authority stating that his shop is not located within the prohibited distance.
4. The matter is of factual enquiry. The competent authority shall examine the petitioner's representation get a report from the subordinate authority to find

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out the actual state of affairs with regard to distance of the petitioner's F.L.3 License shop from the end of the National Highway.

5. The petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Kamde