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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2089 of 2016

- Arvind Kumar Singh S/o Budhan Singh Age 46 Years R/o Village Sendri, P. O. Sendri P. S. Koni District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Excise, Mahanadi Bhawan, Naya Raipur, Distt. Raipur Chhattisgarh.
2. Commissioner Excise, Excise Bhawan, Airport Road, Raipur Chhattisgarh.
3. Collector (Excise), Bilaspur District Bilaspur (Chhattisgarh)
4. Assistant Commissioner (Excise), Warehouse Road, Bilaspur Chhattisgarh.
5. Mahendra Singh S/o Shri Bhagwat Singh License Of Country Liquor Shop, Lakhram R/o Dariyapur, P. O. Dariyapur P. S. Amba District Aurangabad (Bihar) Presently R/o Country Liquor Shop, Village Lakhram P. S. Koni District Bilaspur (Chhattisgarh)

---- Respondent

And

WPC No. 1895 Of 2016

- Dharmendra Dubey S/o Surya Dubey, Aged About 46 Years R/o Chhoti Koni, P.S. Koni, Tahsil & District Bilaspur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Excise, Mahanadi Mantralaya, Naya Raipur, Office & Police Station Naya Raipur, District Raipur Chhattisgarh
2. Commissioner (Excise), Excise Bhawan, Airport Road, Raipur Chhattisgarh
3. Collector (Excise), Bilaspur District Bilaspur Chhattisgarh

4. Assistant Commissioner (Excise), Warehouse Road, Bilaspur Chhattisgarh
5. Sunil Paswan, Licencee Of English Wine Shop, Sendri R/o Village Sendri, P.S. Koni, Tahsil & District Bilaspur Chhattisgarh

---- Respondent

And

WPC No. 2439 OF 2016

- Mahesh Tiwari S/o Shri Kunjram Tiwari, Aged About 36 Years R/o Bilasa Chowk, Shanichari, P.S. City Kotwali, District Bilaspur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Excise, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. Commissioner Excise, Excise Bhawan, Airport Road, Raipur, (Chhattisgarh)
3. Collector (Excise), Bilaspur, District Bilaspur, (Chhattisgarh)
4. Assistant Commissioner (Excise), Warehouse Road, District Bilaspur, (Chhattisgarh)
5. Municipal Corporation, Bilaspur, Through Commissioner, Municipal Corporation, Bilaspur, (Chhattisgarh)
6. Uma Shankar, S/o Shri Kapil Deo, Licensee Of County Liquor Shop, R/o House No. 40, Luk Luk, Chitrakoot, District Chitrakoot, (Uttar Pradesh)
7. Sunil Singh, S/o Late Nand Kishore Singh, R/o Shanichari Padav, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondent

For Respective Petitioners

Mr. Rajeev Shrivastava, Mr. Malay Shrivastava, Mr. Ravindra Sharma and Mr. Chandresh Shrivastava

For Respective Respondents

Mr. P.K. Bhaduri, Government

Advocate, Mr. H.B. Agarwal, Senior
Advocate with Ms. Iturani Mukherjee,
Mr. Abhishek Sinha and Mr. Vivek
Shrivastava, Advocates

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

2/3/2017

1. Heard.
2. In these three writ petitions, the petitioners would object to the location and operation of foreign liquor shop/country liquor shop from the subject premises on the ground that the shop has been opened on Government land.
3. Mr. Abhishek Sinha, learned counsel for respondent No.5 in WPC No.1895 of 2016, would submit that petitioner Dharmendra Dubey in the aforesaid writ petition, is a licensee of previous year and has no concern with the subject place nor does he reside at the village or in the vicinity of the present shop, therefore, he has no locus to maintain this petition. He would also submit that the shop is not on Government land, but the land has been leased out to the licensee by the concerned Gram Panchayat.
4. In the obtaining facts and circumstances of the case, since the period of license is to expire on 31.3.2017, ends of justice would be served if the concerned Licensing Authority is directed to look into the matter and decide the same in accordance with law after hearing all the parties concerned. However, if the

order passed by the Licensing Authority occasions filing of statutory appeal or writ petition, it will remain for respondent No.5 in WPC No.1895 of 2016 to object to the *locus standi* of Dharmendra Dubey, who is the petitioner in the aforesaid writ petition.

5. It will remain open for the parties to take all pleas both factual and legal before the Licensing Authority, when hearing takes place on the issue.
6. It is made clear that this Court has not considered the rival submissions of the parties on merits and the Licensing Authority shall decide the matter on its own merits without being influenced by any part of this order.
7. The writ petitions are accordingly disposed of.
8. Certified copy today itself.

Sd/-

Judge

(Prashant Kumar Mishra)

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