

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9095 of 2017

Date of Decision: 1.5.2017

Davinder Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. R.C. Setia, Senior Advocate with
Mr. A.K. 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 certiorari for quashing the notice dated 19.4.2017 (Annexure P-7) inviting e-tenders for re-allotment of Zone No.07, Panchkula containing condition No.6 to re-allot the liquor vends at the risk and cost of the petitioner. Further, a writ of mandamus has been sought directing the respondents to refund the security amount of ₹ 1,48,04,444/-.

2. State of Haryana issued the Excise Policy (Annexure P-1) for the year 2017-18. Respondent No.2 issued excise arrangement on 10.3.2017 (Annexure P-2) for District Panchkula prescribing nine zones, each containing six vends and two sub vends to be installed in a particular place.

E-tenders were invited and were opened. The respondents issued the list

dated 25.3.2017 (Annexure P-3) of the successful allottee of Indian Made Foreign Liquor (IMFL) and Country Made Liquor vends for the year 2017-18. The petitioner being successful for Zones 5 and 7, deposited 10% security amount of each zone upto 2.4.2017. The petitioner while in the process of the installation of the liquor vend at village Kundli as per the site provided, the people gathered and did not allow him to install the liquor vend. Accordingly, respondent No.3 wrote a letter dated 3.4.2017 (Annexure P-4) to the Deputy Commissioner of Police, Panchkula to provide security to re-establish of liquor area within the command area allotted to the licensee. However, the liquor vend could not be installed as the people in and around the site sat on dharna and raised protest as is clear from the photographs (Annexure P-5 colly). As per the photograph (Annexure P-6), respondent No.3 visited the site and requested the MLA to allow the installation of the liquor in village Kundli but to no effect. Government of Haryana issued a public notice dated 19.4.2017 (Annexure P-7) for re-allotment of the liquor vends in Zone 7, Panchkula and condition No.6 thereof reads thus:-

“The re-allotment shall be done at the risk and cost of original allottees. The original licensees/allottees shall be liable to make up any deficiency incurred by the State as a result of the re-allotment of these Groups.”

Accordingly, the petitioner served a legal notice dated 19.4.2017 (Annexure P-8) upon respondent No.3, the Deputy Commissioner of Police, Panchkula and the Station House Officer, Sector 20, Panchkula for refund of the security amount, but no response has been received till date. 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 19.4.2017 (Annexure P-8) to respondent No.3, the Deputy Commissioner of Police, Panchkula and the Station House Officer, Sector 20, Panchkula, 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.3 to take a decision on the legal notice dated 19.4.2017 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of 15 days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 1, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No