

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13625-2018

Date of Decision: 28.5.2018

Anil Kumar and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

PRESENT: Mr. Mohinder Kumar, Advocate for the petitioners.

AJAY KUMAR MITTAL, ACJ.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing respondents No.1 to 8 to take action of the representation dated 10.5.2018 (Annexure P-9) and to shift the liquor vend running in the shop constructed in House No.725, Block-12, Janta Colony, Municipal Council, Naya Gaon, District SAS Nagar, Mohali. Further, a direction has been sought to respondents No.1 to 8 to take action against respondent No.13, who had let out his house for commercial activity and is using domestic electricity connection for commercial purposes.

2. Respondent No.13, who is resident of House No. 725, Block-12, Janta Colony, Municipal Council, Naya Gaon, District SAS Nagar

respondents No. 11 and 12 for running a liquor vend which is situated in congested crowded area of Janta Colony as is clear from the photographs (Annexures P-1 and P-2, respectively). The said liquor vend is functioning from early morning till midnight without adhering to the time schedule as is depicted from the photographs (Annexure P-3). Further, as per the photographs (Annexure P-4), the liquor is being sold to even minor children. The said liquor vend is situated on the main street of Janta Colony connecting to different streets as is discernible from the photographs (Annexure P-5). According to the petitioners, the residents of the area had given complaint dated 3.4.2017 (Annexure P-6) to the Chief Minister, Punjab for getting closed the liquor vend in the residential area which was marked to respondent No.4 who further marked it to respondent No.5, but to no effect. Even the news reports (Annexures P-7 and P-8, respectively) were also published in this regard. Accordingly, the petitioners and other residents of the area including the President, Vice-President and Municipal Councillors of Municipal Council, Naya Gaon moved a representation dated 10.5.2018 (Annexure P-9) to various officers including respondents No.1 to 9 for shifting of liquor vend running from the shop constructed in House No. 725, Block-12, Janta Colony, Naya Gaon, District SAS Nagar (Mohali) and for taking action against respondent No.13-landlord of the said house, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 10.5.2018 (Annexure P-9) to various officers including respondents No.1 and 9, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 or any other competent officer duly authorized by him to take a decision on the representation dated 10.5.2018 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the representative of the petitioners and respondents No.11 and 12 within a period of two weeks from the date of receipt of the certified copy of the order.

**(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE**

May 28, 2018
gbs

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes