

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Spl DB 101+2

**RA-CW-164-2018,
RA-CW-166-2018,
RA-CW-168-2018 and
CM-5859-CWP-2018 in
CWP-26234-2017**

Arrive Safe Society of Chandigarh

Vs.

State of Haryana and others

Present: Mr. Ravi Kamal Gupta, Advocate
for the applicant-petitioner.

Mr. D.K. Khanna, Addl. AG, Haryana.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

Mr. R.S. Madan, Advocate
for respondent No.7.

Mr. Hemant Bassi, Advocate
for the intervener – M/s Gagan Wine Trade & Financers Ltd.

RA-CW-164-2018

This is a review petition filed under Order 47 read with Section 114 and 151 of the Code of Civil Procedure, seeking review of judgment/order dated 27th March, 2018.

2. This Court on 27th March, 2018, while disposing of the writ petition had concluded as under:-

"In view of the above, it would be appropriate that in terms of Article 47 of the Constitution of India and for the safety of the public, no liquor vend outside the limits of the towns, cities and villages but falling in the municipal areas on the Highways should be allowed to operate without compliance with the provisions of the 2002 Act. Ordered accordingly. It shall be for the Highway Administration to examine individual cases and determine the proximity of the location of the liquor vend to the towns, cities and villages on the Highways within the municipal areas keeping in view the safety and convenience of traffic in terms of the provisions of the 2002 Act. It shall, however, be open for the petitioner to bring individual case violating the norms for location of liquor vends on the Highways to the notice of the

competent authority for taking appropriate action in accordance with law. The writ petition stands disposed of in the manner indicated hereinabove."

3. In view of the above, no ground for review of order dated 27th march, 2018, is made out.

4. Accordingly, the review-petition is dismissed. It is, however, clarified that in case the review-intervener is aggrieved by any order passed by the National High Authority of India (NHAI) or by the State, restricting operation of its liquor vends, it shall be open for the review-petitioner to take recourse to the remedies as may be available to it, in accordance with law.

RA-CW-168-2018

This is a review petition filed under Order 47 read with Section 114 and 151 of the Code of Civil Procedure, seeking review of judgment/order dated 27th March, 2018.

2. This Court on 27th March, 2018, while disposing of the writ petition had concluded as under:-

"In view of the above, it would be appropriate that in terms of Article 47 of the Constitution of India and for the safety of the public, no liquor vend outside the limits of the towns, cities and villages but falling in the municipal areas on the Highways should be allowed to operate without compliance with the provisions of the 2002 Act. Ordered accordingly. It shall be for the Highway Administration to examine individual cases and determine the proximity of the location of the liquor vend to the towns, cities and villages on the Highways within the municipal areas keeping in view the safety and convenience of traffic in terms of the provisions of the 2002 Act. It shall, however, be open for the petitioner to bring individual case violating the norms for location of liquor vends on the Highways to the notice of the competent authority for taking appropriate action in accordance with law. The writ petition stands disposed of in the manner indicated hereinabove."

3. In view of the above, no ground for review of order dated 27th march, 2018, is made out.

4. Accordingly, the review-petition is dismissed. It is, however, clarified that in case the review-intervener is aggrieved by any order passed by the National High Authority of India (NHAI) or by the State, restricting operation of its liquor vends, it shall be open for the review-petitioner to take recourse to the remedies as may be available to it, in accordance with law.

RA-CW-166-2018

Learned counsel for the review-intervener prays for time to seek instructions.

Adjourned to 03.08.2018.

**CM-5859-CWP-2018 in
CWP-26234-2017**

On July 13, 2018, learned counsel for respondent No.7 had produced a communication, which was addressed by the President of the petitioner society – Shri Harnam Singh Sidhu to Shri K. Venkata Ramana, CGM, Technical/Legal & Project Monitoring, NHAI, making certain allegations against the counsel representing NHAI. Learned counsel for the applicant-petitioner had sought time to seek instructions.

Accordingly, the case was adjourned for 20.07.2018.

Today, a communication dated 16th July, 2018, addressed to Shri K. Venkata Ramana, CGM, Technical/Legal & Project Monitoring, NHAI by Shri Harnam Singh Sidhu, has been produced in Court, by the learned counsel for the applicant-petitioner, wherein, it has been intimated that it was never the intention of the petitioner to hurt or defame the character of the learned counsel representing respondent No.7-NHAI. Accordingly, the earlier communication dated 15.06.2018 addressed by the petitioner to the NHAI has been withdrawn. the photocopy of the communication dated 16th July, 2018 is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

However, learned counsel for respondent No.7 – NHAI submitted that certain other communications have been addressed by the President of the petitioner society – Shri Harnam Singh Sidhu to

the NHAI, wherein, wild allegations regarding the integrity etc. were made.

Learned counsel for the applicant-petitioner states that the said allegations were also withdrawn. In support thereof, a copy of the communication dated 14th July, 2018, has been produced in Court today, which is also taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

For further proceedings, to come up on 03.08.2018.

**(AJAY KUMAR MITTAL)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

July 20, 2018

J.Ram