

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 34 of 2019**

- Murarilal Agrawal S/o Late Kishanlal Agrawal Aged About 55 Years R/o Ward No. 17 Station Para, Sakti District- Janjgir-Champa, Chhattisgarh.

---- **Petitioner****Versus**

1. The Secetary Department of Excise Mahanadi Bhavan, Mantralay, Naya Raipur, District- Raipur, Chhattisgarh.
2. The Collector Janjgir, District- Janjgir-Champa, Chhattisgarh.
3. The District Excise Officer Janjgir, District-Janjgir-Champa, Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Chitranjay Singh Patel, Advocate.
For Respondents/State	: Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board**Per P. R. Ramachandra Menon, Chief Justice****21.10.2019**

1. This writ petition has been filed by the Petitioner as 'Public Interest Litigation' highlighting the menace caused because of the country liquor shops run by the Governmental institutions at the place situated with close proximity to Railway lines, nearby the East Cabin at Sakti. The Petitioner points out that the liquor shops are situated in a densely populated area and are causing serious problems and threats to the general public, especially women and children, who proceed to the Educational institutions, workplace residents and their home, because of objectionable acts/ advances and frequent quarrel by persons after consuming liquor purchased from the liquor shops. There are frequent instances of breaking of glass bottles and leaving it on the road and near the railway tracks. There is an allegation that the shops are situated within

prohibited distance, with reference to the Education institutions and such other establishments. It is in the said circumstances that the Petitioner is constrained to move this Court by filing the writ petition, seeking for a writ of mandamus to be issued to the Respondents for shifting the liquor shops, producing photographs showing the topography and lie and the location of the liquor shops and the Railway lines.

2. When the matter came up for consideration before this Court on 14.05.2019, the learned Advocate General sought for time to get instructions and to put-forth their version. The Respondents have put it in writing and the Petitioner has filed a rejoinder as well. When the matter was considered by this Court earlier, the prevailing situation was taken note of and it was observed on 06.08.2019 that the liquor shops being run by the Government and Governmental agencies, the Government has got a better role to play, with commitment in this regard, especially, in view of the mounting number of crimes and atrocities being committed against women and children. We passed an order in the above circumstance on 06.08.2019, which is to the following effect:

“Learned counsel representing the State submits that return has been filed stating that the shops are not located within the prohibited distance. But the learned counsel for the Petitioner, with reference to the contents of the photographs and such other materials, submits that plight of the general public, especially the ladies and girls, who are supposed to commute through the road where there is a huge gathering in front of the liquor shops is quite pathetic and the ordeal which is being faced by them is quite distressing.

Insofar the liquor shops are now being run by the Government or Governmental agencies, according to us, the Government has got a better role to play with commitment in this regard, especially, in view of the mounting number of crimes and atrocities being committed against women and children.

The learned counsel representing the State seeks for time to get instructions to find out appropriate place to which shops could re-located, so as to minimize the nuisance to the general public, especially the women and children.”

3. As per the said order, possibility for shifting the liquor shops was expressed by this Court and instructions were called for. Thereafter, when the matter came up for consideration before this Court on 24.09.2019, it was submitted on behalf of the State that the steps were being taken to re-locate the liquor shops and that the attempt of the Governmental agencies had become fruitful in identifying alternate spots. Further time was sought for to give effect to the same, and now, an affidavit dated 15.10.2019 has been filed by the part of the Respondents, paragraph- 2 to 4 of which are relevant and hence they are extracted below:

“2. That, during the course of hearing of the present petition on 24/09/2019, it was submitted by the State that the steps taken to re-locate the liquor shops have become fruitful and the premises have been identified and the additional construction works which are going on will be completed and possibly be handed over by 07/10/2019. It was further submitted by the State before the Hon'ble Court that the shops, both in respect of the country liquor and foreign liquor will be relocated to the new premises by 15/10/2019.

3. That, in compliance of the order dated 24/09/2019 passed by the Hon'ble Court, it is respectfully submitted that the shops which were earlier located at Sakti have been relocated at Ward No. 3 Budhawari Bazar Sakti on 06/10/2019 from its earlier place and to elaborate the same, a copy of the letter dated 09/10/2019 of the District Manager, CSMCL, District Janjgir Champra is being filed herewith as **Annexure A/1**.

4. That, in the present petition, the main grievance raised by the petitioner is to shift both the liquor shops i.e. foreign liquor and the country liquor to any other suitable place which were earlier located at Sakti and the said grievance has duly been redressed by the letter dated 09/10/2019 (Annexure A/1) thereby re-allocating the aforesaid both the shops at new premises and hence, this affidavit is being filed in compliance of the order of the Hon'ble Court dated 24/09/2019.

The learned counsel representing the State submits that, the proving the word by the deed, the Governmental authorities have caused the liquor shops to be shifted to such other appropriate place and that the grievance of the Petitioner and general public stands redressed.

4. In the said circumstance, we do not find it necessary to pass any further order. The submissions made across the bar is recorded. We appreciate the steps

taken by the Government / Governmental Authorities rising to the occasion considering the need of the hour and causing the nuisance to be abated. We also appreciate the efforts taken by Shri S. C. Verma, the learned Advocate General and Shri Siddharth Dubey, Deputy Advocate General in getting the matter finalized as above, taking it to logical conclusion.

5. The writ petition stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Hem