

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-10162 of 2020
Date of Decision:11.11.2020

Chand Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM:HON'BLE MR. JUSTICE S.N. SATYANARAYANA
CORAM:HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Pratap Singh, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Sushil Jain, Advocate
for respondent No. 7

S.N. SATYANARAYANA, J.(Oral)

The present writ petition is filed by a person who has secured license to vend liquor in ZPNP28 liquor zone in Municipal Corporation, Panipat vide Annexure P-3 for locating L-2 and L-14 vends. The grievance of the petitioner is that the 7th respondent, who is recipient of license to vend liquor in zone No. ZPNP46 has located his vend and sub-vend contrary to the rules and causing loss to him during COVID period. That the vend and sub-vend areas which is allotted to him is contrary to the Excise Policy (Annexure P-1) .

In this proceedings, the prayer of the petitioner is to issue directions to respondents to treat the license (Annexure P-3) issued to petitioner for L-2 and L-14 in ZPNP28 Liquor Zone in Municipal Coroproration, Panipat as terminated on the ground that it is unilaterally modified, altered and also for a direction to respondents

to refund the license fee; also for a direction to respondents not to adopt any coercive measures or to initiate recovery proceedings under the Provisions of the Punjab Excise Act, 1914; for a direction to respondents to close/shift the liquor vend being opened and operated by respondent No.7 in the command area of liquor Zone ZPNP28 of the petitioner in view of Rule 38 (16-A), (f) of the Haryana Liquor License Rules 1970 and Clause 1.3.5 of the Excise Policy and various other allied reliefs.

In this proceedings, the contesting respondents No. 6 and 7 have filed detailed statement of objections. On going through the same, it is clearly seen that the liquor license given to the petitioner is in license zone number ZPNP28, which is urban area, whereas the license zone which is granted to 7th respondent is bearing number ZPNP46 of District Panipat, which is rural area. Admittedly, the vend points in urban areas are fixed and so far as rural area is required to be decided on the basis of an order to be passed by the Deputy Excise and Taxation Commissioner (herein after referred to 'DETC'). Admittedly, in case of respondent No. 7 the DETC has passed an order on 28.04.2020 identifying the vend and sub-vend zones in license Zone number ZPNP46 and accordingly, he has opened the vends within that area which order is not at all challenged by the petitioner.

On the contrary, he is trying to take that as a rouse to surrender his license, which is granted in his favour during COVID period where it is contended that the sales have come down, which he

is tried to be shifted on the 7th respondent in contending that he is opening the vends closure to the place where the petitioner is having his fixed vend and consequently harming the business conducted by the petitioner.

On going through the material available on record as well as the order dated 28.04.2020 passed by DETC with reference to the licenses issued to both the parties, we are of considered opinion that the alleged violation as contended by the petitioner is not seen on the material available on record. On the contrary the vends which are set up by the 7th respondent is pursuant to order dated 28.04.2020 which is at Annexure R-7/3 annexed to the written statement filed by the 7th respondent. In that view of the matter, we are of the opinion that the present writ petition does not merit consideration accordingly, the same is dismissed. So far as the accusation and allegation made against 7th respondent are concerned they are found to be unfounded and does not merit consideration in this writ petition.

However, in the event of petitioner intending to surrender his license, it is open for him to approach the authorities and seek appropriate relief in that behalf.

[S.N. SATYANARAYANA]
JUDGE

[ARCHANA PURI]
JUDGE

November 11, 2020

rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no