

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-9318-2022 (O&M)

Date of Decision:06.05.2022

Jagdish Kumar

.....Petitioner

Versus

Union Territory of Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Rupinder Singh Khosla, Sr. Advocate with
Mr. Sarvesh Malik, Advocate for the petitioner.

Mr. Aman Pal, Addl. Standing Counsel
for U.T. Chandigarh and
Ms. Aashna Gill, Advocate.

TEJINDER SINGH DHINDSA J.(Oral)

An advance copy of the writ paper-book already stood served upon the respondents.

Mr. Aman Pal, Additional Standing Counsel, UT Chandigarh, has entered appearance on behalf of the respondents.

Counsel for the parties have been heard.

It has gone uncontroverted that petitioner herein was a successful bidder for vend No.85 situated at Village Raipur Kalan (within Lal Dora) for an amount of Rs.2,53,16,013/-. The relevant documents/certificate in such regard stands appended as Annexure P-2.

Instant writ petition has been filed raising a grievance that the villagers of Raipur Kalan are not permitting the petitioner to open/run the liquor vend. A representation dated 30.04.2022

(Annexure P-8) has been adverted to by learned Senior Counsel and as per contents of which the SHO, Police Station, Mauli Jagran, Chandigarh, was approached as regards the breaking the board of the liquor vend as also intimidating the employees working in the liquor vend.

During the course of hearing today learned Senior counsel would vehemently contend that a similar incident has occurred two days back when the local villagers as also the wife of the landlord has resorted to stone pelting and had even locked up the premises and has taken away the keys.

The relief sought in the instant petition is for directing the respondents to earmark vacant government land as already available with the Engineering Department of the Administration for construction of *pucca liquor vend* inconsonance with the directions issued by this Court in the judgment dated 01.06.2018 (Annexure P-9).

A writ of mandamus is also sought on the strength of Clause 81 of the Excise Policy for the year 2022-23 (Annexure P-1) to change the location of Vend No.85 from Raipur Kalan (inside Lal Dora) to Raipur Kalan.

We are of the considered view that the judgment placed reliance upon by the petitioner at Annexure P-9 dated 01.06.2018 cannot enure to the benefit of the petitioner. That was a case where

the liquor vend had been put to auction and the location happened to be on agricultural land. The clear distinction herein is that the petitioner with open eyes has submitted a bid for a liquor vend wherein the location was clearly defined to be within the *lal dora* of Village Raipur Kalan.

In the writ petition averments had been made that there ought to have been due compliance of the Punjab Intoxicants Licence & Sale Orders 1956 and that the petitioner has been taken for a ride as on a previous occasion also the villagers had objected to setting up with the liquor vend inside the *lal dora* of Village Raipur Kalan. It was sought to be contended that under such circumstances it was incumbent upon the association to rectify the shifting of the location before calling for the bids.

Even such submission and contention does not impress us.

All such arguments/contentions if at all could have been raised by the petitioner prior to having participated in the auction process.

Having submitted a bid and the same having been accepted, it would not be open for the petitioner to raise such submissions at this stage.

We find essentially the grievance of the petitioner is with regard to a law and order situation. We are not inclined to enter into any fishing and roving enquiry into the matter.

We are making such observations even by accepting the submissions made by learned Senior counsel at the bar that there has been an incident of stone pelting etc. Even if that be so it is always open for the petitioner to approach the concerned law enforcement machinery under the UT administration and to avail of such other remedies as may be available in accordance with law.

Mr. Aman Pal, learned Additional Standing Counsel, UT Chandigarh makes a statement that in case petitioner were to approach the police authorities, UT Chandigarh, the matter would be examined, looked into and steps as deemed fit and warranted, would be taken, in accordance with law

Statement is accepted.

No further directions are required to be passed.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(PANKAJ JAIN)
JUDGE

06.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No