

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

**CWP-22754-2022 (O&M)
Date of decision: 29.09.2022**

Shiv Kumar

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. Amit Gupta, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

Challenge in the instant petition is to the order dated 08.08.2022 (Annexure P-7) passed by the Deputy Excise & Taxation Commissioner (Excise) Jagadhri.

A perusal of the impugned order reveals that directions have been issued for the licensee of Shehzadpur (M/s P.C. Wine) to shift its present location in such a way that there is a minimum distance of 2 kms. between the other vend i.e. Buria vend. The order further reveals that Buria vend has been treated to be as the main vend and the Shehzadpur Vend as the sub vend. Furthermore such directions have been passed to ensure compliance of Clause 1.3.5 of the Haryana Excise Policy 2022-23 and which mandates a minimum distance of 2 kms. between two vends.

The instant writ petition has been filed by Mr. Shiv Kumar in his private capacity.

During the course of hearing today, counsel for the petitioner was called upon to explain and demonstrate in what capacity is he raising a

challenge to the order dated 08.08.2022 (Annexure P-7).

The categoric response forthcoming is that the petitioner has stood surety for Mr. Deepak who in turn is the allottee of the Buria vend/main vend.

In the light of such clear admission and factual premise we are of the considered view that the instant writ petition at the hands of the petitioner Shiv Kumar in his personal capacity is not even maintainable.

Annexure P-7 dated 08.08.2022 passed by the Deputy Excise and Taxation Commissioner (Excise) Jagadhri deals with the minimum distance to be maintained between the two liquor vends so as to ensure due compliance of the clauses contained under the Haryana Excise Policy 2022-23. The present petitioner is not running either of the liquor vends.

Even otherwise the petitioner claims himself to be a surety of Mr. Deepak who is the allottee of the Buria liquor vend.

The order under challenge dated 08.08.2022 at Annexure P-7 is an order which otherwise has been passed to the benefit of the Buria liquor vend.

There is no cause of action that is accrued to the petitioner so as to maintain the instant writ petition.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

29.09.2022
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Whether speaking/reasoned?
Whether Reportable?

Yes/No
Yes/No