

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

(112)

CWP-20320-2023

Decided on : 30.11.2023

Ravinder Kumar

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.Harkirat Singh, Advocate, for
Mr.Vikram Singh, Advocate for the petitioner (s).

Mr.Sharan Sethi, Addl.A.G., Haryana.

G.S. Sandhawalia, J. (Oral)

1. Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of direction to the respondents to remove/shift the liquor vend situated at Mahatma Gandhi Road, Tehsil Safidon, District Jind from the existing location to another location in view of the Haryana Excise Policy and for deciding the application of the petitioner dated 27.07.2023 and 21.08.2023 (Annexures P-3 & P-4).

2. In pursuance of the order dated 14.09.2023, State has filed written statement taking categorical stand that as per the Haryana Excise Policy 2023-24, the distance should be 150 meters from the main gate of a recognized school/college since the averments made in the present case pertain to Kids Valley School.

3. A perusal of the writ petition would also go on to show that averments are that the liquor vend is established just at a distance of 200 meters from the said school and the site at which the same had been established was adjoining to Central Bank of India and HDFC Bank and the site-plan has been annexed as Annexure P-1. In the written statement filed it has been stated that the site-plan has been wrongly prepared and the school is not in front of the liquor vend and it is at a different location and the actual

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location has been shown in Annexure R-1 annexed with the reply. The site-plan (Annexure P-1) was not signed by any one nor the name of the person who had prepared the same was scribed and the actual distance between the school and the vend was more than 200 meters. The requirement is within 150 meters from the recognized school/college/place of worship and therefore, there is no bar for establishing the liquor vend as per the Excise Policy beyond the said distance. The said policy further provides that it may be located in the market place. It is in such circumstances submitted that the petitioner has not come to this Court with clean hands and has placed on record wrong material.

4. Even otherwise, we are of the considered opinion that no direction can be issued to the respondents in the absence of the person running the liquor vend as his rights would be adversely affected and he has to be given an opportunity of hearing. Therefore, the present writ petition is not maintainable for non-joinder of the necessary party. Keeping in view the categorical stand taken by the State and the report of the Excise Inspector, Jind, as per the site-plan that there is a distance of over 150 meters from the centre, we do not see that any case is made out for issuance of any direction to the State, as prayed for.

5. Resultantly, in view the above discussion, the present writ petition is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

(LAPITA BANERJI)
JUDGE

30.11.2023
sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No