

[133] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-440-2023
Date of Decision : 22.05.2023

MANOJ @ MANOJ CHHAWADIPetitioner

Versus

STATE OF HARYANA AND OTHERSRespondents

Coram : Hon'ble Mr. Justice B.S. Walia.
Hon'ble Mr. Justice Lalit Batra.

Present : Mr. Pardeep Goyal , Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Instant petition has been filed with the following prayer:-

“Civil Writ petition under Articles 226/227 of the Constitution of India for the issuance of Writ in the nature of Certiorari for quashing the order dated 09.11.2022 (Annexure P-16) or any subsequent order passed by the Excise and Taxation Commissioner, Haryana (respondent No.2) vide which the claim of petitioner for grant of licence of 01 Urban Area Liquor Vend i.e. Nawada (Tigaon) has been rejected as the petitioner is entitled to 4 Liquor Vends as per the Public Notice (Annexure P-1) and Excise Policy for the year 2022-23 (Annexure P-3) whereas the petitioner has been granted only 03 licences being violative of the above policy as such is wrong and illegal, in the interest of justice;

Further praying for issuance of writ in the nature of Mandamus directing the official respondents to grant license for the remaining 01 Urban Area Liquor Vend to the petitioner; and

Further, while allotting the said liquor vend, the official respondents be directed to adjust the excess amount received by official respondents, towards license fee and other charges, for the period already elapsed during which the license remained un-allotted;

OR, IN THE ALTERNATIVE,

the official respondents be directed to refund 1/4th of the amount already received by the official respondents towards license fee and other charges, with appropriate interest from the date of receipt of amount till realization, as they have received the amount towards the entire zone comprising of four vends, despite the fact that one less Urban Area Liquor Vend has been allotted and further, the official respondents be directed to raise demand only qua 3 liquor vends as far as the remaining installments are concerned, in the interest of justice. AND

It is further prayed that during pendency of the present petition before this Hon'ble Court, the respondents may kindly be directed to raise and accept demand of license fee proportionately i.e., only qua 3 liquor vends and not to raise demand qua 01 Urban Liquor Vend, which has not yet been allotted. AND

Issue any other appropriate writ, order or direction which this Hon'ble Court may deemed fit and proper in the facts and circumstances of the case."

[2] At the outset, learned counsel for the petitioner states that in view of lapse of substantial period of time after allotment of the liquor vend which is the subject matter of the instant petition, the petitioner does not wish to pursue the instant petition and may be permitted to withdraw

the same.

[3] In view of the statement of learned counsel for the petitioner,
the instant petition is dismissed as withdrawn.

(B.S. Walia)
Judge

(Lalit Batra)
Judge

22.05.2023

'Amit'	Whether speaking/ reasoned	:	Yes/No
	Whether reportable	:	Yes/No