

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

108

2023:PHHC:163561-DB

CWP-27617-2023

Date of Decision: 20.12.2023

Amandeep

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: None for the petitioner.

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

G.S.SANDHAWALIA, J. (Oral)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to restrain themselves from issuing unlawful threats of sealing the liquor vend in violation of the Excise Policy, 2023 issued vide Excise License No.02412303206 (period: 10.07.2023 to 11.06.2024) at village Kheri Ramnagar and directing that no coercive action be taken except in accordance with provisions of Excise Policy, 2023-24.

2. On 08.12.2023, the following order was passed:-

“Counsel inter alia contends that the official respondent Nos.4 and 5 are threatening to seal the licensed liquor vend which has been duly allotted to the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana prays for time to confirm whether there are any outstandings against the petitioner and whether any official

respondents are doing what the petitioner has alleged.

Adjourned to 15.12.2023.

3. Thereafter on 15.12.2023, the following order was passed:-

“Learned counsel for the petitioner submits that the liquor vend has been sealed.

Learned State counsel has placed on record photocopy of the checking report to show that bottles were found without holograms and stock register was not produced. He prays for time to file response on the next date of hearing.

To come up on 20.12.2023 for production of the formal order.”

4. Today, adjournment slip has been circulated on behalf of counsel for the petitioner on the ground that the counsel is in personal difficult.

5. In an affidavit filed today by the Deputy Excise and Taxation Commissioner, the details of the 9 bottles of liquor of different brands found without hologram for the purpose of the sale to the general public have been mentioned on account of the checking done on 10.12.2023 by 5 officials which included the Joint Excise and Taxation Commissioner, Haryana. It has also been averred that the vend had been sealed and an FIR No. 797 dated 10.12.2023 was also registered at Police Station Krishna Gate, Thanesar and samples of the bottles have been sent to the Chemical Examiner for getting the chemical examination report (Annexure C). The report of the sealing was sent to the Excise and Taxation Commissioner under Clause 2.13.5 of the Haryana Excise Police (2023-24) and the licensees had then submitted a request dated 18.12.2023 to reopen the sealed vend, which was kept for consideration. Eventually, the vend was reopened on 19.12.2023 temporarily till the report of the chemical examination is received after discussion with

senior officers. It has been further averred that the licensee has been strictly directed not to keep any liquor without holograms in the licensed premises and the Excise Inspector has been directed to check the vend frequently until the chemical examination report is received.

6. Keeping in view the above, we are of the considered opinion that the respondents are proceeding in accordance with the Excise Policy as such and no fault as such can be found if there are irregularities in the running of the vend by the petitioner. Since the vend has been reopened, we are of the considered opinion that the present writ petition has become infructuous since the threat as such of the vend being sealed has been acted upon and the vend has been reopened subject to certain conditions.

7. Accordingly, the present writ petition is disposed of having been rendered infructuous in such circumstances.

(G.S. SANDHAWALIA)
JUDGE

20.12.2023
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No