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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1251/2023 & CM APPL. 4748/2023**

**PRANUT SHARMA AND ANR**

.....Petitioners

Through: Mr. Gaurav Bharadwaj, Mr. Pranut  
Sharma and Mr. Naveen Kr.  
Saraswat, Advocates.

versus

**GOVT OF NCT OF DELHI AND ANR.**

.....Respondents

Through: Mr. Prashant Manchanda, ASC with  
Ms. Nancy Shah, Advocate and Mr.  
Avinash Singh, Excise Department.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**28.11.2024**

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1. The Petitioners are residents of Satnam Park and Chander Nagar, New Delhi-110051. They assert that their colony is a residential area and within 100 metres of which, there exists a Durga Temple where the residents express and practice their religious and spiritual faith. The Petitioner's grievance in the present writ petition is arises from permissions granted by the Respondents for the opening of a Liquor vend in the area near their colony. According to the Petitioners, the opening of this Liquor vend is in violation of Rule 51 (1) of the Delhi Excise Rules, 2010<sup>1</sup>, which prohibits wine/beer shop within hundred metres from any educational institution, religious places and hospitals with fifty beds and above.

2. Considering the above, the Court had directed the Respondents to furnish their status report.



3. Accordingly, the Respondents have filed their status reports, stating that on inspection of the area, the Liquor vend is found to be at a distance of 135 metres from the Temple, which is not in conflict with the Rule 51 (1) of the Rules. The Petitioner, however, disputes the methodology used by the Respondents for measuring the distance indicted in their status reports.

4. In this regard, it is important to take note of Rule 51(1) of the Delhi Excise Rules, 2010, which reads as follows:

***“51. Condition dealing with licensed premises***

*(1) No retail vend of Indian Liquor, Foreign Liquor or Country Liquor shall be located within one hundred meters from the following, namely: -*

- (a) major educational institutions;*
- (b) religious places;*
- (c) hospitals with fifty beds and above:*

*PROVIDED that the condition mentioned in clause (c) above shall not apply for retail vend of liquor for consumption “on” the premises:*

*PROVIDED FURTHER that the condition of hundred meters shall apply for the licences granted after the commencement of these rules:*

*PROVIDED ALSO that if any major educational institution, religious place or hospital with fifty beds or above comes in to existence subsequent to the establishment of the retail vend of Indian Liquor, Foreign Liquor or Country Liquor, the aforesaid distance restrictions shall not apply.*

*Explanation : For the purpose of clause (a) above major educational institutions would mean middle and higher secondary schools, colleges and other institutions of higher learning recognized by the Government.*

*Explanation II : For the purpose of clause (b) above, a religious place would imply a religious place having a pucca structure with a covered area of more than 400 square feet.*

***Explanation III : The measurement of distance shall be the shortest traversable distance, from the mid point of the actual main entrance/door of the premises proposed for licence to mid point of the actual main door/entrance of the building of the places mentioned in clauses (a) (b) and (c) above.”***

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<sup>1</sup> “Rules”



*[Emphasis added]*

5. Thus, it is clear that the rule itself provides for the methodology for measurement of distance and the Respondent's assessment of the distance is per the said Rule. In light of the above, since the status reports furnished by the Respondents clearly states that upon inspection, the Liquor vend was found to be 135 meters away from the Temple, the Court is not inclined to grant any relief, as prayed for in the present writ petition.

6. Accordingly, the writ petition is disposed of, along with pending application(s).

**SANJEEV NARULA, J**

**NOVEMBER 28, 2024**

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