HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1817 of 2025 (M/S)

Janak Rani Malhotra .....Petitioner

Vs.

Excise Commissioner State of
Uttarakhand Dehradun and Others ..... Respondents

Present : Mr. Sandeep Kothari, Advocate for the petitioner.
Mr. Suyash Pant, Standing Counsel for the State

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the followings:-

(i) Minutes of the meeting of the District Level Road Safety Committee, Dehradun dated 27.03.2025 to the extent it directs the shifting of the Indian Made Foreign Liquor Shop, i.e. Adhoiwala, Chuna Bhatta, Dehradun.

(ii) Order dated 13.05.2025, passed by the District Magistrate, Dehradun, by which four liquor shops were directed to be shifted.

(iii) Order dated 17.05.2025, passed by the District Magistrate, Dehradun, by which the petitioner's Indian Made Foreign Liquor Shop was directed to be shifted.

(iv) Order dated 09.06.2025, passed by the Excise Commissioner, State of Uttarakhand, whereby, the appeal, preferred by the petitioner, has been rejected. And;

(v) Order dated 09.06.2025, passed by the District Magistrate, Dehradun, by which the petitioner has been given time till 30.06.2025 to shift the Indian Made Foreign Liquor Shop.

2. Heard learned counsel for the parties and perused the record.

3. Petitioner had earlier challenged the action of District Level Road Safety Committee, District Dehradun, and the order of the District Magistrate, Dehradun dated 13.05.2025 and 17.05.2025 in WPMS No.1502 of 2025, Janak Rani Malhotra Vs. District Magistrate, Dehradun ("the first petition") which was dismissed as withdrawn with the liberty to seek appropriate remedy before appropriate forum. Thereafter, the petitioner did file appeal before the Excise Commissioner, which has been decided by the order dated 09.06.2025, pursuant to which, the District Magistrate, Dehradun, had further granted time to shift the Indian Made Foreign Liquor Shop till 30.06.2025.

4. At the very outset, learned State Counsel submits that there is a statutory remedy under Section 11(2) of the U.P. Excise Act, 1910 ("the Act"). Therefore, the writ petition may not be entertained.

5. Learned counsel for the petitioner submits that on 23.05.2025, this Court had passed an order in the first petition giving liberty to the petitioner to prefer against the order impugned then, with further directions that the order impugned in the first petition shall not come into effect till 27.05.2025; the petitioner did file appeal on

26.05.2025, but it was neither registered nor taken up, nor the date was promptly informed to the petitioner, and on 07.06.2025, in the morning, her Indian Made Foreign Liquor Shop was closed. Thereafter, the order in the appeal was passed, which has not addressed to all the issues that were raised by the petitioner in the appeal. He further submits that even if now the petitioner prefers a revision under Section 11(2) of the Act, it may get the same fate; no hearing; no date; and it would remain pending for a long. He also submits that the petitioner would prefer a revision on 30.06.2025, till the period he has been given time to shift the shop, but he requests that the respondent-authorities may be directed to at least take up and the interim relief application may be decided on the same date.

6. Learned State Counsel submits that if a revision is filed by 10:30 AM on 30.06.2025, the matter shall be taken up the matter and the interim relief application shall be heard on that date.

7. The Court takes on record the statement given by learned State Counsel.

8. Since the petitioner has alternate statutory remedy, by way of filing a revision under Section 11(2) of

the Act, the writ petition may not be entertained. The writ petition stands disposed of, accordingly.

9. However, if the petitioner files a revision by 10:30 AM on 30.06.2025, the competent authority shall take up the matter and hear the interim relief application on the same date.

10. Let a certified copy of this judgment be supplied to learned counsel for the parties, today itself, on payment of usual charges.

(Ravindra Maithani, J.)
27.06.2025

Ravi Bisht