



2026:UHC:2934

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.916 of 2026

22nd April, 2026

Shri Jishant Kumar

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondent

Presence:-

Mr. Shobhit Saharia, learned counsel for the petitioner.

Mr. Yogesh Pandey, learned D.A.G. for the State.

Hon'ble Pankaj Purohit, J.

The petitioner has filed this writ petition seeking a direction to the respondent no.3-District Magistrate/Collector not to locate the newly established shop within 6 km. from the shop of the petitioner as promised, as per communication of the State Excise Commissioner dated 19.03.2026, annexure no.8 to the writ petition, and not to act in breach of those directions issued by the State Excise Commissioner, under Section 41 of the U.P. Excise Act, 1910.

2. The facts of the case shorn off unnecessary details are that the petitioner was allotted an Indian Made Liquor Shop at Mandi Bypass, Teen Paani, Haldwani, for the Financial Year 2024-25 and thereafter the said shop was renewed in favour of the petitioner till 2027-28. The petitioner is aggrieved by the subsequent action taken by the respondent-Department whereby a new shop was created and allotted to respondent no.5-Shri Bhim Singh s/o Shri Mohan Singh. The new shop was proposed to be set up in a rural area at Rampur Road between Panchayat Ghar and Ganna Centre as per advertisement dated 16.03.2026. But actually the said shop was established at a place Jeetpur Negi within the municipal limits of Nagar



Nigam, Haldwani.

3. It is aggrieved by action on the part of the respondent, of establishing the shop within the municipal limits of the Nagar Nigam the petitioner is before this Court saying that it would adversely affect his business

4. This Court vide order dated 15.04.2026 and 17.04.2026 called for instructions from the State.

5. Today instructions dated 18.04.2026 are produced before this Court, which are taken on record. On the basis of the said instructions, the State counsel submits that the shop in-question is established at a distance of 3.50 km. away from the shop of the petitioner at Jeetpur Negi, but at the same time it is also informed that the petitioner has moved an application against action of the respondent-State Authorities and that application moved by the petitioner has been decided by the District Magistrate/Collector-Licensing Authority vide order dated 20.03.2026 after hearing the representatives of the petitioner-Shri Kewala Nand Tiwari.

6. It is submitted by learned State counsel that once the order has been passed after giving hearing to the representative of the petitioner, the writ petition is not maintainable for the reason that remedy lies against the order dated 20.03.2026 by way of filing an Appeal under Section 11(1) of the U.P. Excise Act, 1910.

7. Having heard the learned counsel for the parties and having perused the record of the case and the instruction as well, this Court is of the view that the petitioner can challenge the order dated 20.03.2026 by filing an Appeal under Section 11(1) of the U.P. Excise Act, 1910.



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8. Though copy of the petition has been sent to one Kevalanand Tiwari, representative of the petitioner, but the petitioner submits that copy has yet not been received to them, therefore, on the direction made by this Court a copy of the order dated 20.03.2024 has now been supplied to the counsel for the petitioner in the Court, by the State counsel.

9. Accordingly writ petition stands disposed of.

10. It is open to the petitioner to file an Appeal under the provision referred hereinabove. The Competent Authority shall decide the appeal preferred by the petitioner expeditiously not later than six weeks' from the date of filing of the appeal.

(Pankaj Purohit, J.)
22.04.2026

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