

(2020) 03 J&K CK 0046

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 922 Of 2020, Civil Miscellaneous No. 2281 Of 2020

Anil Kohli

APPELLANT

Vs

Union Territory Of J&K And Others

RESPONDENT

Date of Decision : 19-03-2020

Acts Referred:

Citation : (2020) 03 J&K CK 0046

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : M.K Bhardwa, Gagan Kohli

Judgement

Sanjeev Kumar, J

Impugned in this petition is an order passed by the Excise Commissioner, Jammu, whereby the premises of the petitioner has been sealed for violation of the rules and for not having submitted the requisite NOCs from the concerned agencies before operation of the wine shop at the present spot.

The impugned order has been challenged, primarily on two counts, first, that the petitioner was never given any opportunity to explain his position and, therefore, the order impugned is in violation of the principles of natural justice and second, that the order for shifting of the licensed premise of the petitioner was made by the competent authority after being satisfied with regard to viability at the new location and the same was renewed from time to time without pointing out any deficiency to the petitioners.

Considered the submissions made by learned counsel for the petitioner.

Issue notice to the respondents in the main petition as well as in CM, returnable within four weeks.

List on 05.05.2020.

Meanwhile, subject to objections from the other side and till next date before the Bench, the order impugned shall stay. This, however, is subject to the petitioner completing the requisite formalities as may be conveyed to him by the Excise Commissioner in terms of the J&K Liquor License and Sales Rules, 1984 within a period of one month. In case of failure, the Excise Commissioner shall be free to seal the premises again.