
(2024) 09 UK CK 0134

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 2588 Of 2024

Chaudhary Sudesh Pal Singh

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 24-09-2024

Acts Referred:

Excise Act, 1910 — Section 11(2)

Citation : (2024) 09 UK CK 0134

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : S.K. Mandal, K.S. Mehta, Suyash Pant

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. In the present writ petition, petitioner has challenged the order dated 19.09.2024 passed by the Excise Commissioner as Appellate Authority, whereby, the appeal of the petitioner has been dismissed. But, while dismissing the appeal, petitioner was blacklisted and his license was cancelled.
3. Since, the order dated 19.09.2024 passed by the Excise Commissioner in appeal was revisable under Section 11(2) of the Excise Act, 1910, therefore, the petitioner challenged the said order by filing a revision petition on 20.09.2024 before the State Government, which is still pending consideration.
4. It is submitted by learned counsel for the petitioner that despite pendency of the revision petition filed by the petitioner, respondent No.4 showing undue haste re-advertised the liquor shop, which was earlier allotted to the petitioner, vide advertisement dated 21.09.2024.
5. It is further submitted by learned counsel for the petitioner that such action on the part of the respondent-authority is an example of high handedness and is

illegal, arbitrary and it cannot be sustained.

6. Having heard learned counsel for the parties and having perused the record, since revision filed by the petitioner is pending before the State Government and the impugned order dated 19.09.2024 still subjudice, this Court cannot pass any order in the present writ petition.

7. Accordingly, writ petition is disposed of with this observation that the allotment made pursuant to the advertisement dated 21.09.2024 shall abide by the final outcome of the revision petition. It is further directed that the Revisional Court shall decide the revision petition of the petitioner, which is still pending before it, within a period of two weeks' from the date of production of certified copy of this order.