
(2011) 05 RAJ CK 0070
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4024 of 2011

Magan Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 09-05-2011

Acts Referred:

Citation : (2011) 05 RAJ CK 0070

Hon'ble Judges : Dinesh Maheshwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—Having heard the learned Counsel for the Petitioner and having perused the material placed on record, this Court is unable to find any reason to issue any writ, order or direction at the instance of the Petitioner so as to compel the Excise Department to allow the country liquor shop at a particular location of the Petitioner's choice.

2. It is noticed from the material placed on record that even when the Petitioner has been granted licence for a shop at Ward No. 8 Makrana for retail sale of country liquor from 01.04.2011 to 31.03.2012, the location of the shop was approved temporarily for a period from 01.04.2011 to 30.04.2011. It appears that the Tehsildar, Makrana made a report on 25.04.2011 opining against the location of the shop for law and order problems. The District Excise Officer, Nagaur, by his notice dated 26.04.2011 (Annex.11), has informed the Petitioner of the report so made by the Tehsildar and has asked the Petitioner to shift the shop after getting the new location approved while reminding him that the earlier location of the shop was approved temporarily and only upto 30.04.2011.

3. The Petitioner seeks to question such notice dated 26.04.2011 with the submissions that baseless complaints are being made against the shop in question for enmity and else, the concerned Municipal Ward Member and so also the Vice-Chairman of the Municipal Board have recommended for continuing with

the shop at the present location; and that different licensees had in the past too, for about 30 years, maintained the shop at the very same location.

4. The submissions as made on behalf of the Petitioner hardly make out a case for interference by this Court.

5. As to whereat any licensee is to be permitted to deal in liquor is essentially a matter for consideration of the Excise Department. Merely for some suggestions having been made for continuing the shop at the location and even assuming that in the past, the liquor shops had been there at the location in question, the Excise Department cannot be held bound to continue with the shop at the Petitioner's chosen place contrary to the other requirements, particularly those of maintaining public order. The location in question was approved only for a month; and the Petitioner was aware of this position right from the beginning. In the given set of facts and circumstances, if the Department has asked the Petitioner to get a new location approved, such an action on the part of the Department remains unexceptionable and cannot be considered illegal or unauthorised.

6. The writ petition has no force and the same is hereby dismissed summarily.