



2026:AHC:125367-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT TAX No. - 2921 of 2026

Shiv Shankar Singh Yadav

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bhupendra Kumar Pandey, Pradeep Kumar Sahu
Counsel for Respondent(s)	:	C.S.C.

Court No. - 39

**HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SATYA VEER SINGH, J.**

1. Heard Sri Bhupendra Kumar Pandey, learned counsel for the petitioner and Sri Arimardan Singh Rajpoot, learned Additional Chief Standing Counsel for the State-respondents.

2. Present writ petition has been filed for the following relief :

"a) Issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 26.05.2026 passed by respondent no.2 as well as order dated 27.05.2026 passed by respondent no.3.

b) Issue a writ, order or direction in the nature of Mandamus directing the respondents authority to open the seal of the licensee wine shop which is allotted to the petitioner."

3. Undeniably, the retail excise licence of the petitioner has been suspended, vide order-cum-notice dated 26.05.2026. Thereby the petitioner was called upon to file reply within seven days. The petitioner appears to have submitted his reply on 27.05.2026. Pending proceeding for cancellation of licence, retail vend of the

petitioner has been sealed.

4. Solitary reason for the above proceeding is because petitioner's retail excise vend is within the prohibited range of 220 meters from the State highway.

5. In such facts, against preliminary objection raised by learned Additional Chief Standing Counsel as to the maintainability of the writ petition during pendency of cancellation of proceeding pending before the excise authority, learned counsel for the petitioner states that the petitioner is willing to shift his retail excise vend beyond the prohibited range of 220 meters from the State highway. However, he prays that the stock of liquor is lying sealed and unless the proceedings are concluded in a time bound manner, he is bound to suffer loss of revenue as the petitioner is compelled to pay excise duty on MGQ basis.

6. Having heard learned counsel for the parties and having perused the record, without adjudicating the issue on merits, in view of the above, the present writ petition is disposed of with a direction, subject to the petitioner notifying respondent nos. 2 and 3, the alternate shop within ten days from today (that he may acquire), the said respondents may ensure to complete all verification as to the suitability of such alternate shop/site within a period of one week from the date of necessary communication to the said respondents.

7. Consequentially, subject to approval by respondent nos. 2 and 3 to the alternate site, proposed by the petitioner, he may be

permitted to recommence his business operations from the alternate shop within a period of three days from the date of grant of permission.

8. Subject to the alternate shop of the petitioner being permitted, no fresh auction of the petitioner's excise vend may be held.

9. With the aforesaid observation, present writ petition stands **disposed of**.

(Satya Veer Singh,J.) (Saumitra Dayal Singh,J.)

June 4, 2026
Abhilash