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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK RUSIA
&
HON'BLE SHRI JUSTICE AMAR NATH (KESHARWANI)
ON THE 19th OF JULY, 2022**

WRIT PETITION No. 16333 of 2022

Between:-

**SHIVNERI SAHIL EMPIRE RAHWASI
RAKHRAKHAV SAHAKARI SANSTHAN
MARYADIT INDORE THROUGH ITS PRESIDENT
SHRI SURESH ZHANTANI S/O SHRI ISHWARLAL
ZHANTANI R/O FLAT NO. 903 EMINENT BLOCK
SHIVNERI SAHIL EMPIRE SCHEME NO. 140
DISTRICT INDORE AND ITS SECRETARY SHRI
ARMAN SHARMA S/O SHRI PRAVEEN SHARMA
R/O FLAT NO. 506 EMINENT BLOCK SHIVNERI
SAHIL EMPIRE SCHEME NO. 140, DISTRICT
INDORE (MADHYA PRADESH)**

.....PETITIONER

**(SHRI ABHINAV MALHOTRA, LEARNED COUNSEL FOR THE
PETITIONER)**

AND

- 1. STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY, DEPARTMENT OF
COMMERCIAL TAXES, GOVERNMENT OF
MADHYA PRADESH, VALLABH BHAWAN,
BHOPAL (MADHYA PRADESH)**
- 2. STATE OF MADHYA PRADESH THROUGH
EXCISE COMMISSIONER, DEPARTMENT OF
EXCISE, GOVERNMENT OF MADHYA PRADESH,
COMPOSITE REVENUE BUILDING-FORTH
FLOOR, NEEDAM ROAD, NAKA CHANDRWANI
LASHKAR, GWALIOR (MADHYA PRADESH)**
- 3. DEPUTY COMMISSIONER OF EXCISE INDORE
DIVISION, INDORE (MADHYA PRADESH)**
- 4. THE DISTRICT MAGISTRATE AND COLLECTOR,
DISTRICT INDORE COLLECTOR OFFICE,
INDORE (MADHYA PRADESH)**

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5. SAGAR LAKHWANI S/O NOT KNOWN
OCCUPATION: LIQUOR BUSINESS SCHEME NO.
140 OPP. AGRAWAL PUBLIC SCHOOL, INDORE
(MADHYA PRADESH)

.....RESPONDENTS

(SHRI SHREY RAJ SAXENA APPEARING ON BEHALF OF
ADVOCATE GENERAL.)

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*This petition coming on for order this day, **JUSTICE VIVEK RUSIA**
passed the following:*

ORDER

The petitioner i.e. Shivneri Sahil Empire Rahwasi Rakhrakhav Sahakari Sansthan Maryadit Indore has filed the present petition in the nature of Public Interest Litigation (PIL) seeking shifting of location of liquor shop situated at Scheme No.140 running by the respondent No.5.

According to the petitioner, the said shop is running just in front of Agrawal Public School where thousands of boys and girls are studying and the distance of liquor shop from the school is 22-25 meters whereas amended Rule 2 of Rules 2018 prohibits that no shop for the sale of liquor shall not be situated upto a distance of 50 meters from lawful religious institution, girls school, girls college and lawful girls hostel. According to the petitioner, in the Agrawal Public School, the students from nursery to 12th are studying and timing of school is 08:00 AM to 05:00 PM. The liquor shops opens at 09:00 AM and due to the similar timing and proximity of the distance, it is causing nuisance in the society and locality. The petitioner's society made complaint to CM Helpline but no action has been taken. On 05.06.2022, the Chief Minister of Madhya Pradesh has declared that a new liquor policy will be introduced soon wherein no liquor shops will be allowed within 252 meters of areas from where women and girls schools are there.

Heard.

So far as locus of the petitioner is concerned, the petitioner is association of local residents and entire policy and Rules 2018, there is no such prohibition for establishment of liquor shop nearby the residential area and so far as Rule 2 is concerned, it is exclusively applies to lawful religious institution, girls schools, girls college and lawful girls hostel. It is not the case of the petitioner that Agrawal Public School is exclusively girls school. Even otherwise, Agrawal Public School is having any grievance, they can file petition before this Court but petitioner cannot file a petition at the instance of Agrawal Public School for seeking shifting of the shop. So far as religious institution is concerned, it is defined under Explanation-(b)- "*Religious Institution*" means an institution for the promotion of any religion and includes temple, math, mosque, church or other place of public religious worship which is managed or owned by a public trust registered under the Madhya Pradesh Public Trusts Act, 1951 or any other enactment for the time being in force and shall include such other religious institutions as the State Government may by order specify in this behalf. The temple situated within the campus of the school or established by the Agrawal Public School cannot said to be a religious institution under Explanation-(b).

In view of the above, this Writ Petition is misconceived and is hereby dismissed.

Certified copy as per rules.

(VIVEK RUSIA)
JUDGE

Praveen

(AMAR NATH (KESHARWANI))
JUDGE