



RAJASTHAN HIGH COURT

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

सत्यमेव जयते

S.B. Civil Writ Petition No. 12689/2025

Sadhana Shivhare W/o Shri Parshuram Shivhare

-----Petitioner

Versus

State Of Rajasthan

-----Respondent



For Petitioner(s) : Mr. S.N. Kumawat
Mr. Naval Kishore Mali
For Respondent(s) : Mr. Harsh Vardhan Katara for
Mr. Bharat Vyas, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Order

26/08/2025

Learned counsel for the petitioner has submitted that the petitioner ever since 2021-22 was allotted a composite shop of liquor, as per Excise Policy at shop No.98, Kishanpole Bazar, Ward No.71(H) in Jaipur. It is further submitted that for the year 2024-25, shop remained unauctioned, therefore after negotiation the said composite shop was sanctioned and allotted to the present petitioner.

Further, it is submitted that on 02.06.2024 after due application of mind the location and map of the said shop was approved in terms of the provisions of the governing statue, law and precedents passed by Hon'ble Supreme Court.

Furthermore, it is submitted that the sanction order qua the same continued till 2025-26 by enhancing 5 per cent of the license fee. It is further submitted that terms and conditions imposed by the State/respondents were never violated by the petitioner.



Additionally, it is submitted that vide impugned notice dated 13.08.2025, due to public resentment, the petitioner was directed to shift/change the location of the shop to the unobjectionable area. Moreover, copy of the said notice is not supplied to the petitioner. Hence the present petition is filed.

Heard.

Considering the foregoing facts and circumstances of the case, this Court has noted that as per Article 47 of the Constitution of India, State shall make an attempt to prohibit the consumption of intoxicating drinks and drugs which are injurious to health except for medicinal purposes. Moreover, liquor and goods/articles covered under Article 47 are covered by the doctrine of *res extra commercium*. The relevant Article is reproduced herein below :-

"47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health

*The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, **the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.**"*

Further, the petitioner has no vested right qua the sale of liquor. That the State despite Temperance Policy has approved a location in a public market over the years.

Issue notice to the respondents.

On directions of the Court, Mr. Harsh Vardhan Katara accepts notices on behalf of the respondents-State.

On the next date of hearing, Commissioner of Excise Department as well as Principal Secretary are directed to appear



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via V.C., and furnish the Temperance Policy vis-a-vis Article 21 and 47 of the Constitution of India as well as tender a reasonable justification qua allotments of liquor shops in public area wherein temples, schools and sacred things are located. Further, State to provide an explanation qua allotments of the shops in densely populated market which *prima facie* appears to be against the provisions of Article 21 and 47 of the Constitution of India.

List the matter on 28.08.2025 after showing the name of Mr. Kapil Vyas in the cause list as counsel for the respondents-State.

(SAMEER JAIN),J

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