



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Special Appeal Writ No. 698/2026

Devendra Gehlot S/o Shri Dinesh Gehlot, Aged About 26 Years,
Resident Of Nai Bhakhri Bas Soorsagar, Jodhpur Proprietor,
Liquor Shop No.7, Kaylana Chouraha, Jodhpur.

----Appellant

Versus

1. Vaibhav Singh Bhati S/o Shri Dinesh Singh Bhati, Aged About 38 Years, Resident Of 6-K-53, Chopasani Housing Board, Jodhpur.
2. The State Of Rajasthan, Through Principal Secretary, Department Of Finance Excise, Govt. Of Rajasthan, Secretariat, Jaipur.
3. The Commissioner Excise, Rajasthan, Udaipur
4. Addl. Commissioner Excise, (Scheme And Planning), Rajasthan, Udaipur.
5. The District Excise Officer, Jodhpur.

----Respondents

For Appellant(s) : Mr. Anand Purohit Sr. Advocate
assisted by Mr. Mahipal Bishnoi
Mr. Pradyuman Singh Shekhawat
Mr. Puna Ram Sen

For Respondent(s) : Mr. Gaurav Bishnoi for Mr. Mahaveer
Bishnoi AAG
Mr. R.S. Choudhary
Mr. Jitendra Singh Bhanwariya
Mr. Bhawani Singh, District Excise
Officer Jodhpur

HON'BLE MR. JUSTICE FARJAND ALI (VJ)
HON'BLE MR. JUSTICE SUNIL BENIWAL (VJ)

ORDER

DATE OF CONCLUSION OF ARGUMENTS	10/06/2026
DATE ON WHICH ORDER IS RESERVED	10/06/2026
FULL ORDER OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	12/06/2026

BY THE COURT:- (AS PER HON'BLE MR.JUSTICE FARJAND ALI)



1. The present Special Appeal (Writ) has been preferred assailing the order dated 27.04.2026 passed by the learned Single Judge in S.B. Civil Writ Petition No.8940/2026, whereby the effect and operation of the order (Annex.12) passed by the District Excise Officer, Jodhpur, concerning relocation of the appellant's liquor vend, came to be stayed.

2. The factual backdrop, in brief, is that the appellant, being a successful allottee and licensee under the prevailing excise regime, was granted permission by the competent authority for shifting the location of his liquor shop from the existing site to another site. The order permitting such relocation was admittedly issued by the District Excise Officer after obtaining approval from the competent authorities at the Headquarter level and upon satisfaction of the statutory requirements governing such relocation. Aggrieved by the said order of relocation, the writ petitioner approached the learned Single Judge, whereupon an ad-interim order came to be passed staying the operation of the relocation order.

2.1. When the present appeal came up for consideration before this Court on an earlier date, certain factual aspects were found to be of considerable significance for proper adjudication of the controversy. Consequently, this Court directed the District Excise Officer to place on record a specific affidavit clarifying as to whether the relocated site falls within the same cluster under the applicable excise policy and whether the appellant had already shifted and commenced operation of the liquor vend at the changed location. Pursuant thereto, an affidavit sworn by the





concerned District Excise Officer, Jodhpur has been placed on record.

2.2. The affidavit unequivocally discloses that the relocation order was issued after obtaining requisite approval from the Headquarter level authorities and that the newly approved site falls within the very same cluster as contemplated under the governing excise policy. The affidavit further reveals that the relocation did not entail any alteration of the cluster, licence entitlement, or territorial allocation and was merely a change in the physical situs of the shop within the permissible framework recognized by the policy. The factual assertions contained in the affidavit have been brought to the notice of the Court during the course of hearing and have remained substantially uncontroverted.

3. We have heard the counsel for the parties and gone through the impugned order as well as the material made available to this Court.

4. Having bestowed anxious consideration to the rival submissions advanced on behalf of the respective parties and upon perusal of the material available on record, this Court finds that the appeal arises from an ad-interim order passed at the threshold stage of the proceedings. The writ petition itself remains pending consideration before the learned Single Judge and the stay application filed therein is yet to attain final adjudication. In such circumstances, judicial propriety demands that this Court refrain from entering into an elaborate examination of the merits of the rival claims lest any observation made herein prejudices





either side during the pendency of the writ proceedings. Nevertheless, while maintaining the aforesaid restraint, this Court cannot remain oblivious to the attendant circumstances emerging from the record. The affidavit filed by the District Excise Officer, Jodhpur prima facie demonstrates that the relocation was effected within the same cluster and that the approval for such relocation emanated from the competent authorities in accordance with the administrative mechanism contemplated under the governing excise framework. Equally relevant is the contention advanced on behalf of the appellant that, owing to the subsistence of the impugned ad-interim order, he is being subjected to recurring and substantial financial prejudice on a day-to-day basis, resulting in severe disruption of the commercial activities permissible under the licence granted in his favour.

4.1. The Court is conscious of the principle that interim orders are intended to preserve equities between the parties and should not, unless compelling circumstances so warrant, inflict disproportionate hardship upon one side pending adjudication of the substantive dispute. At the same time, the Court is equally mindful that any interim arrangement fashioned by an appellate forum should not have the effect of rendering the pending proceedings before the learned Single Judge infructuous or prejudging the issues involved therein.

4.2. Balancing the competing considerations and bearing in mind the peculiar factual matrix obtaining in the present case, this Court is of the considered view that the ends of justice would be adequately served by permitting the appellant to continue





operating the liquor vend at the relocated site, which admittedly falls within the same cluster, until the stay application pending before the learned Single Judge is finally considered and decided. Such an arrangement would safeguard the appellant from continuing financial detriment while simultaneously preserving the authority of the learned Single Judge to independently adjudicate the controversy on its own merits.

5. Accordingly, as an interim measure and without expressing any opinion whatsoever on the legality, validity, or propriety of the rival claims advanced by the parties, it is directed that the appellant shall be permitted to continue operating and carrying on business from the relocated site approved by the competent excise authorities. The District Excise Officer shall ensure implementation of this arrangement and shall permit the appellant to conduct business from the shifted location in accordance with law.

5.1. It is further directed that the aforesaid arrangement shall remain operative only till the final disposal of the stay application pending before the learned Single Judge or until any further order is passed by the learned Single Judge in the writ proceedings, whichever is earlier.

6. Before parting with the matter, this Court considers it necessary to observe that it has consciously refrained from undertaking any detailed examination of the factual and legal controversies involved in the writ petition. The observations recorded herein are confined exclusively to the purpose of adjudication of the present appeal against an ad-interim order and





have been made only for balancing equities between the parties pending consideration of the stay application. None of the observations contained in this order shall be construed as an expression of final opinion on any issue arising in the writ petition.

7. It is clarified in unequivocal terms that the learned Single Judge shall decide the pending stay application as well as the writ petition independently, uninfluenced by any observation made herein, and strictly in accordance with law, on the basis of the pleadings, material placed on record, and submissions advanced by the parties. All questions of fact and law are left open for consideration before the learned Single Judge.

8. With the aforesaid observations and directions, the present appeal stands disposed of. The stay application and all pending applications, if any, also stands disposed of.

(SUNIL BENIWAL)(VJ)

(FARJAND ALI)(VJ)

36-Mamta/-

