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2026:AHC-LKO:72565-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 11072 of 2026

Atlani Brothers Live Thru. Its Proprietor Mrs. Mamta Atlani

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Suryansh Narula, Ankit Verma, Pali Anurag
Counsel for Respondent(s)	:	C.S.C.

Court No. - 5

HON'BLE ALOK MATHUR, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard S/Shri Suryansh Narula and Ankit Verma, learned counsel appearing on behalf of the petitioner as well as learned Standing Counsel appearing on behalf of the State-respondent(s) and perused the materials available on record.

2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has sought for the following substantial relief (s):-

> *"(i) Issue a writ, order or direction in the nature of Certiorari, quashing the Permission Letter dated 30.09.2026 annexed as Annexure No. 2 to this writ petition, passed by the Respondent No. 3 in so far as the same rejects the permission sought in respect of the use/service of liquor in connection with the Live Singing Event scheduled to be held on 10.10.2026 between 05:00 P.M. and 09:45 P.M. at Dayal Gateway, Dayal Group Hospitality, Vibhuti Khand, Gomti Nagar, Lucknow.*
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> *(ii). Issue a writ, order or direction in the nature of Mandamus, Commanding the Respondent No. 3 to forthwith grant requisite police permission in respect of Application No. 2026082702519 dated 27.08.2026 annexed as Annexure No. 3 to this writ petition, for conducting the Live Singing Event, scheduled to be held on 10.10.2026 between 05:00 P.M. and 9:45 P.M. at Dayal Gateway, Dayal Group Hospitality, Vibhuti Khand, Gomti Nagar, Lucknow-226010 and to permit the Petitioner to avail benefits of FL 11 (Event Bar) License in conformity with the Uttar Pradesh Excise*

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(Grant of Bar License) Rules, 2020;

(iii). Issue a writ, order or direction, in the nature of Mandamus, commanding the Respondent No. 2 to forthwith grant the FL-11 (Event Bar) License, for retail vend of foreign liquor at Live Singing Event, scheduled to be held on 10.10.2026 between 05:00 P.M. and 09:45 P.M. at Dayal Gateway, Dayal Group Hospitality, Vibhuti Khand, Gomti Nagar, Lucknow-226010, in terms of the Uttar Pradesh Excise (Grant of Bar License) Rules, 2020."

3. It has been submitted on behalf of the petitioner that the petitioner, a proprietorship firm, is seeking to hold a live singing event on 10.10.2026 between 5:00 p.m. and 9:45 p.m. at The Dayal Gateway, Dayal Group Hospitality, Vibhuti Khand, Gomti Nagar, Lucknow. For holding the said live singing event, the petitioner had made an application under the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 (hereinafter referred to as “the Rules of 2000”), seeking permission from the competent authority.

4. It has been submitted that, by means of the impugned order dated 30.09.2026, issued by the Additional Police Commissioner (Law and Order), the said permission has been granted to the petitioner, subject to 18 conditions mentioned therein.

5. In the present writ petition, the grievance of the petitioner is with regard to Condition No. 18, according to which the permission has been granted subject to the condition that no alcohol or intoxicating substance shall be served or utilized during the said concert.

6. It has further been submitted by the petitioner that the present programme is sponsored by Casa Bacardi, a company engaged in the business of liquor products, and accordingly, liquor would be sold during the said programme. It has further been stated that Condition No. 18 is dehors the provisions contained in the Rules of 2000. Accordingly, such a condition could not have been imposed

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when the competent authority was granting permission under the Rules of 2000. According to the learned counsel, if any restriction on intoxicating products being served during the concert was to be imposed, the same could have been considered by the Excise Department.

7. Learned Counsel for the petitioner has also submitted that the petitioner proposes to move an appropriate application for the grant of a liquor licence to serve/sell liquor during the said concert; however, on account of Condition No. 18, they have been unable to move such an application or obtain the appropriate licence in this regard.

8. It has further been submitted that, in similar circumstances, as an exemplar, where permission was sought under the Noise Pollution (Regulation and Control) Rules, 2000, pertaining to a live singing programme known as “Papon Live”, which was issued on 11.07.2026 by the Additional Police Commissioner (Law and Order), no such condition restricting the serving of intoxicating products was imposed. Apart from the aforesaid, the applicants therein were also directed to deposit the amount required for the deployment of police personnel for maintaining law and order.

9. It has been submitted that, in the present impugned order, although no such condition has been imposed, however, pursuant to oral instructions of the police authorities, the petitioner has already deposited an amount of Rs. 42,730/- on 30.09.2026 for the deployment of police personnel for maintaining law and order, and a receipt thereof has been annexed along with the writ petition.

10. In the aforesaid circumstances, counsel for the petitioner submitted that Condition No. 18 of the impugned permission dated 30.09.2026 is illegal and arbitrary and deserves to be set aside. It

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was further submitted that the order was clearly discriminatory and violative article 14 of the Constitution of India in as much as the Petitioner has been subjected to unreasonable restrictions and conditions, while in similar situations permission has been granted without imposing such rigorous conditions Apart from the fact that reset conditions are unsupported by any provision or rule in this regard. It was further prayed that the Department of Excise be directed to consider the petitioner's application for the grant of a license under FL-11 (Event Bar License) for the retail sale and vending of foreign liquor at the live singing event, expeditiously and in accordance with law, considering the fact that the event is scheduled to take place within the next 48 hours.

11. Learned Standing Counsel has opposed the writ petition and submitted that ordinarily such permissions are granted subject to the conditions stipulated therein, but could not dispute the fact that Condition No. 18 is not a condition prescribed under the Rules of 2000. He has further submitted that, if an appropriate application is submitted to the Excise Department, the same shall be considered expeditiously in accordance with law.

12. After considering the rival contentions, the only issue which falls for consideration is the validity of Condition No.18 of the impugned permission letter for holding the live singing event scheduled to be held at Dayal Gateway, Vibhuti Khand, Gomti Nagar, Lucknow, on 10.10.2026 between 5:00 P.M. and 9:45 P.M. We find that, as per the Noise Pollution (Regulation and Control) Rules, 2000, the State Government is mandated to maintain ambient air quality with respect to noise in different areas/zones. The State Government is also required to categorize areas into industrial, commercial, residential, or silence zones for the implementation of noise standards.

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13. We, therefore, find that, as per Schedule I of the Rules of 2000, noise limits have been prescribed for each of the areas, namely, industrial, commercial, residential, or silence zones. In the present case, the petitioner has been granted permission to keep the maximum sound level below 75 dB(A), which pertains to an industrial area. We further find that there is no provision in the Rules of 2000 with regard to the power and/or scope of permitting or denying the permission for serving of intoxicating products, including alcohol. To that extent, Condition No.18 imposed by the Additional Police Commissioner (Law and Order) is illegal, arbitrary, and beyond jurisdiction. We further find that no such condition has been imposed by the respondents while granting permission in similar events, and therefore this Court is of the considered view that the petitioners have been adversely discriminated while issuing the impugned permission.

14. Accordingly, the matter requires intervention. The impugned order/letter dated 30.09.2026 is hereby set aside/quashed.

15. The respondent No.3, Joint Commissioner of Police, Law and Order, Lucknow, is directed to pass a fresh order forthwith in accordance with law by 11:30 A.M., tomorrow morning, i.e., 09.10.2026, without the aforesaid condition no.18 in view of our observation herein-above. The petitioner shall present himself before the Joint Commissioner at 11:00 A.M. and produce a copy of this order.

16. The office of the Chief Standing Counsel is further directed to forthwith communicate this order to the competent authority for compliance.

17. Upon obtaining the fresh order under the provisions of the Rules of 2000, the same shall be presented before the Opposite

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Party No.2 (District Excise Officer, District Lucknow), who shall proceed to consider the application of the petitioner in accordance with law and pass the necessary orders latest by 5:00 P.M. on 09.10.2026.

18. It is made clear that the petitioner shall have to deposit all the requisite fees and comply with all the conditions as required under law.

19. With the aforesaid observations and directions, the writ petition stands **allowed.**

October 8, 2026
Praveen

(Abdhesh Kumar Chaudhary,J.) (Alok Mathur,J.)