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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2665 of 2017**

Hotel Gagan Palace Raipur, through the License Holder Karnail Singh,
S/o Sardar Prem Singh, aged about 51 years, R/o L.N.T. Chowk,
Tatibandh, Raiur, District Raipur (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)
3. Assistant Commissioner of Excise, Raipur, Collectorate Campus, Raipur (CG)
4. The Collector, Raipur, District Raipur (CG)

---- Respondents**Writ Petition (C) No.2678 of 2017**

Hotel Family Dhaba Dhamtari, through the License Holder Manoj Kothari, S/o Shri Pratap Kothari, aged about 48 years, R/o Gujrati Colony Dhamtari, District Dhamtari (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)
3. Assistant Commissioner of Excise, Dhamtari, Collectorate Campus, Dhamtari (CG)
4. The Collector, Dhamtari, District Dhamtari (CG)

---- Respondents**Writ Petition (C) No.2679 of 2017**

Hotel Maina Changorabhata, Raipur, through the License Holder

Rajinder Pal Singh Bhatia, S/o Shri Gurucharan Singh, aged about 58 years, R/o 207 Golden Park, V.I.P. State Khamhardih Shanker Nagar Raipur, District Raipur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)
3. Assistant Commissioner of Excise, Raipur, Collectorate Campus, Raipur (CG)
4. The Collector, Raipur, District Raipur (CG)

---- Respondents

Writ Petition (C) No.2680 of 2017

Hotel Manohar / Swagat Bar Bilapur, through the License Holder Manohar Mandewar, S/o Antaram Mandewar, aged about 73 years, R/o Pachrighat Juna Bilaspur, Bilaspur, District Bilaspur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)
3. Assistant Commissioner of Excise, Bilaspur, Collectorate Campus, Bilaspur (CG)
4. The Collector, Bilaspur, District Bilaspur (CG)

---- Respondents

Writ Petition (C) No.2681 of 2017

Hotel Black Berry Jarhabhata, through the License Holder Gulshan Rishi, S/o Shri Mulkraj Rishi, aged about 60 years, R/o Green Park Colony Jarhabhata, Bilaspur, Tahsil & District Bilaspur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)
3. Assistant Commissioner of Excise, Bilaspur, Collectorate Campus, Bilaspur (CG)
4. The Collector, Bilaspur, District Bilaspur (CG)

---- Respondents

Writ Petition (C) No.2682 of 2017

Hotel Top and Town Jarbabhata Bilaspur, through the License Holder Gulshan Rishi, S/o Shri Mulkraj Rishi, aged about 60 years, R/o Green Park Colony Jarhabhata, Bilaspur, Tahsil & District Bilaspur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)
3. Assistant Commissioner of Excise, Bilaspur, Collectorate Campus, Bilaspur (CG)
4. The Collector, Bilaspur, District Bilaspur (CG)

---- Respondents

Writ Petition (C) No.2683 of 2017

Hotel Dhillan Supela, through the License Holder Shankar Sharma, S/o Shri Ram Singh Sharma, aged bout 52 years, R/o Titurdih, Police Station Mohan Nagar, District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)

3. Assistant Commissioner of Excise, Durg, Collectorate Campus, Durg (CG)

4. The Collector, Durg, District Durg (CG)

---- Respondents

Writ Petition (C) No.2684 of 2017

Hotel Grand Dhillan Bhilai, through the License Holder Smt. Balvinder Kaur Dhillan, W/o Shri Trilok Singh Dhillan, aged about 49 years, R/o Nehru Nagar East, Bhilai, District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)

2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)

3. Assistant Commissioner of Excise, Durg, Collectorate Campus, Durg (CG)

4. The Collector, Durg, District Durg (CG)

---- Respondents

Writ Petition (C) No.2685 of 2017

Hotel Suvidha/Mastani Bar Bilaspur, through the License Partner Utkarsh Jaiswal, S/o Shri Umesh Kumar Jaiswal, aged about 50 years, R/o Tikrapara, Upasana Bhawan, Bilaspur, Tahsil & District Bilaspur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)

2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur (CG)

3. Assistant Commissioner of Excise, Bilaspur, Collectorate Campus, Bilaspur (CG)

4. The Collector, Bilaspur, District Bilaspur (CG)

---- Respondents

Writ Petition (C) No.2667 of 2017

Hotel Rajveer Through the License holder, Ashok Kumar Ajmani S/o Charandas Ajmani, Aged about 52 years, R/o Village Sarora, Tehsil & District-Raipur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Excise, Mantralay Mahanadi Bhawan, Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur, District Raipur (CG)
3. Assistant Commissioner of Excise, Raipur, District Raipur (CG)
4. Collector, Raipur, District Raipur (CG)

---- Respondents

Writ Petition (C) No.2668 of 2017

Hotel Jain In, G.E. Road Supela Bhilai, through the License Holder Smt. Archana, W/o Shri Mahavir Prasad Jain, aged about 49 years, R/o Patan Villa Street No.18, Smriti Nagar, Bhilai, Tahsil and District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur, District Raipur (CG)
3. Assistant Commissioner of Excise, Durg, Collectorate Campus, Durg (CG)
4. The Collector, Durg, District Durg (CG)

---- Respondents

Writ Petition (C) No.2669 of 2017

Hotel Green Bhilai, through the License Holder Smt. Ravinder Kaur, W/o Late Shri Indjeet Singh, aged about 55 years, R/o Sadak No.1, Quarter No.383, Shanti Nagar, Bhilai, District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Excise Department , Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur, District Raipur (CG)
3. Assistant Commissioner of Excise, Durg, Collectorate Campus, Durg (CG)
4. The Collector, Durg, District Durg (CG)

---- Respondents**Writ Petition (C) No.2677 of 2017**

Hotel Rockfort Bhilai, through the License Holder Smt. Amandeep Kaur W/o Shri Kulwant Singh, aged about 45 years, R/o Pandit Dindayal Nagar Junwani, Bhilai, District Durg (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur, District Raipur (CG)
3. Assistant Commissioner of Excise, Durg, Collectorate Campus, Durg (CG)
4. The Collector, Durg, District Durg (CG)

---- Respondents**Writ Petition (C) No.2689 of 2017**

Hotel Central Point, Korba, through the License Holder Smt. Anita Devi Agrawal, W/o Shri Ashok Agrawal, aged about 48 years, R/o T.P. Nagar Korba, District Korba (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Excise Department , Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near

Magneto Mall, Raipur, District Raipur (CG)

3. Assistant Commissioner of Excise, Korba, Collectorate Campus, Korba, District Korba (CG)
4. The Collector, Korba, District Korba (CG)

---- Respondents

Writ Petition (C) No.2690 of 2017

Hotel Rituraj, Korba, through the License Holder Rakesh Kumar Jaiswal, S/o Shri Dinanath Jaiswal, aged about 37 years, R/o Jamnipali, Korba, District Korba (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur, District Raipur (CG)
3. Assistant Commissioner of Excise, Korba, Collectorate Campus, Korba, District Korba (CG)
4. The Collector, Korba, District Korba (CG)

---- Respondents

Writ Petition (C) No.2691 of 2017

Hotel Satkar, Korba, through the License Holder Dudhnath Jaiswal S/o Late Bhagelu Prasad Jaiswal, aged about 78 years, R/o Rani Mod Korba, District Korba (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur, District Raipur (CG)
3. Assistant Commissioner of Excise, Korba, Collectorate Campus, Korba, District Korba (CG)
4. The Collector, Korba, District Korba (CG)

---- Respondents

And

Writ Petition (C) No.2657 of 2017

Hotel Mahendra, Power House Road, Bhilai through the License Holder Smt. Meera Singh, W/o Shri Lalit Mohan Singh, aged about 46 years, R/o Quarter No.2B, Road-3, Sector-2, Bhilai, District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Excise Commissioner, Chhattisgarh Abkari Bhavan, Near Magneto Mall, Raipur, District Raipur (CG)
3. Assistant Commissioner of Excise, Durg, Collectorate Campus, Durg, District Durg (CG)
4. The Collector, Durg, District Durg (CG)

---- Respondents

For Petitioner	:	Mr. Satish Chandra Verma and Mr. Sakti Raj Sinha, Advocate
For State	:	Mr. Gary Mukhopadhyay, Deputy Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

26/09/2017

1. Registry has pointed out defaults in WPC Nos.2665/2017, 2678/2017, 2679/2017, 2680/2017, 2681/2017, 2682/2017, 2683/2017, 2684/2017, 2685/2017 and 2677/2017.
2. The petitioners are permitted to rectify the defaults pointed out by the Registry in the aforesaid cases during the course of the day.

3. Learned counsel appearing for the respective petitioners would submit that the Supreme Court in the matter of **State of Tamil Nadu & Others Vs. K. Balu and another**¹ has issued the following directions prohibiting grant of license for sale of liquor along National and State highways with all exceptions:-

“29. We, accordingly, hereby direct and order as follows:-

29.1 All States and Union Territories shall forthwith cease and desist from granting licences for the sale of liquor along National and State highways;

29.2 The prohibition contained in para 29.1 above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;

29.3 The existing licences which have already been renewed prior to the date of this order shall continue until the terms of the licence expires but no later than 01.04.2017;

29.4 All signage and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on National and State highways;

29.5 No shop for the sale of liquor shall be (i) visible from a National or State highway; (ii) directly accessible from a National or State highway; and (iii) situated within a distance of 500 m of the outer edge of the National or State highway or of a service lane along the highway.

29.6 All States and Union Territories are mandated to strictly enforce the above directions. The Chief Secretaries and Directors General of Police shall within one month chalk out a plan for enforcement in consultation with the State Revenue and Home Departments. Responsibility shall be assigned, inter alia, to District Collectors and Superintendents of Police and other competent authorities. Compliance shall be strictly monitored by calling for fortnightly reports on action taken.

29.7 These directions issue under Article 142 of the Constitution.

¹ (2017) 2 SCC 281

30. We dispose of the appeals and transfer petitions in the above terms. There shall be no order as to costs.”

4. It is further submitted that thereafter the Supreme Court in the matter of **Arrive Safe Society of Chandigarh Vs. The Union Territory of Chandigarh** (Special Leave Petition (Civil) No.10243 of 2017) has modified the direction issued in **K. Balu** (supra) and held as under:-

“6. The judgment of this Court dated 15 December, 2016 addresses dangers to life and safety caused by drunken driving on national and state highways and specifically deals with the problem from the perspective of the availability of alcohol. Roads within a metropolitan city essentially provide connectivity within the city. Chandigarh is an illustration. The roads categorized as V1, V2 and V3 are essentially roads within the city. They were categorized as highways by an administrative decision of 21 October 2005 primarily with a view to ensure their maintenance and development by availing of funds available from the Central Road Fund. The alteration in the nomenclature of certain roads, which has been carried out by the subsequent notification dated 16 March, 2017, has left unaffected National Highway no 21 which passes through the city and Madhya Marg which connects the States of Haryana and Punjab. The judgment of this Court dated 15 December, 2016 prohibits the grant of licences for the sale of liquor along and in proximity of the National and State Highways including those falling within the limits of municipal corporation, cities, towns and local authorities. Directions (i) and (ii) extracted earlier did not prevent the Administration from re-classifying inter-sectoral roads within the city from state highways to major district roads. The exercise carried out by Chandigarh Administration does not breach the directions issued by this Court. It is neither in violation of the terms of the order nor of the purpose and intendment behind those directions.

7. The purpose of the directions contained in the order dated 15 December, 2016 is to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between cities, towns and villages.

The order does not prohibit licensed establishments within municipal areas. This classification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court.

8. For these reasons, we find no merit in the Special Leave Petition. The Special Leave Petition will accordingly stand dismissed. IA for intervention is disposed of.”

5. Learned counsel appearing for the respective petitioners would further submit that yet the petitioners' licenses have not been renewed by the State Authority.
6. Per contra, learned Deputy Government Advocate appearing for the State would submit that order of the Supreme Court shall be complied with in the cases of the petitioners.
7. I have heard learned counsel for the parties.
8. After hearing learned counsel for the parties and in view of the aforesaid modification made by the Supreme Court, the State Government is directed to consider the cases of the petitioners for renewal of license of liquor bar, strictly in accordance with law and direction given by the Supreme Court in the matter of **Arrive Safe Society of Chandigarh** (supra) expeditiously.
9. With the aforesaid observation, the writ petitions stand finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-