

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No.809 of 2017**

Soma Singh W/o Sanjay Singh, Aged About 33 Years R/o
Malviya Nagar, Tehsil And District Durg Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through The Secretrary, Excise Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Commissioner, Excise Department, Samita Park, Labhandi, Excise Building, Raipur, District Raipur Chhattisgarh.
3. Collector (Excise), Durg, District Durg Chhattisgarh.
4. Assistant Commissioner, Excise Circle, Durg, District Durg Chhattisgarh.
5. District Excise Officer Durg, District Durg Chhattisgarh.
6. Sub Divisional Officer, Public Works Department, Sub Division No. 1, Durg, District Durg Chhattisgarh.

---- Non-applicants

For Applicant : Mr. R.S.Baghel, Advocate
For State : Mr. Aditya Sharma, Panel Lawyer

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

07/11/2017**(1)** Heard.

(2) The applicant has filed this application for modification of order dated 27.09.2017 passed in W.P.(C) No.2644/2017.

(3) Learned counsel appearing for the applicant submits that order dated 27.09.2017 passed in W.P.(C) No.2644/2017 may be modified.
In Special Leave Petition (Civil) No.10243 of 2017 in the matter of

Arrive Safe Society of Chandigarh Vs. The Union Territory of Chandigarh, some directions earlier issued have been modified and it has been held as under in paragraphs 6, 7 & 8:-

“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.”

(4) It is further submitted that the applicant's application may also be considered and decided in the light of **Arrive Safe Society of Chandigarh** (supra).

(5) I have heard learned counsel for the applicant.

(6) In view of the aforesaid submission, the State Government is directed to consider the case of the applicant for renewal of license of liquor bar, strictly in accordance with law and in light of decision given by the Supreme Court in the matter of **Arrive Safe Society of Chandigarh** (supra). Other contents of order dated 27.09.2017 shall remain intact.

(7) With the aforesaid modification, the application stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-