

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 804 of 2017**

1. Ashok Kumar Barle S/o Shri Banau Barle, Aged About 46 Years R/o Banbarad Ward No. 15, Tehsil Dhamdha, District Durg (Chhattisgarh).
2. Narendra Kumar Dhankar S/o Late Popuram Dhankar, Aged About 48 Years R/o Ward No. 3, Khasardi, Ahiwara, District Durg (Chhattisgarh).
3. Vidyanand Kushwaha S/o Shri Banshilal Kushwaha, Aged About 45 Years R/o Ward No. 13, Nandani Nagar, Ramkrishna Nagar, Ahiwara, District Durg (Chhattisgarh).

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Commercial Tax (Excise) Department, Mantralaya New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
2. The Excise Commissioner, Raipur (Chhattisgarh)
3. The Collector, Durg District- Durg, Chhattisgarh.
4. The Chief Municipal Officer, Nagar Palika Parishad Ahiwara, District Durg (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri Goutam Khetrapal, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble the Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per, Thottathil B. Radhakrishnan, CJ****06/04/2017**

1. This writ petition is instituted in the year, 2017. Under challenge in the petition are the Excise Rules pointing out that the distance rule prescribed therein are contrary to the larger public interest, in particular, to the extent it reduces the prescribed distance between a liquor outlet and different points of public importance including Schools, Bathing Ghats, Hospitals and public utility services etc. This issue has been

raised in the form of public interest, after nearly two years of issuance of the impugned rules.

2. By this time, different judgments of the Supreme Court and of this court appear to have made different inroads into the existing rules, in so far as their contents are concerned, to the extent they relates to the distance rules in Abkari laws. Under such circumstances, it is time that the government should take a comprehensive look at the distance rules contained in Abkari laws particularly in Excise Rules, including as to whether the distance rules will have to be put in conformity with the earlier situation obtained after the modification of the rules following the pronouncement of the Apex Court in State of UP Vs. Manoj Kumar Dwivedi, 2008 (4)SCC 111. Care has also to be taken to abide by the law as laid under Article 141 of the Constitution and also any order or direction issued by the Hon'ble Supreme Court in terms of Article 142 of the Constitution. It has also to be borne in mind that the larger public interest has to be protected while making and giving effect to the distance rules which will govern the stocking, sale and consumption of Alcohol near premises of importance.
3. This writ petition is ordered directing that the government shall address the aforesaid issues and take a final decision thereon without further delay.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge