Government of Tripura
Office of the Director General of Police
Tripura ::: Agartala.
(Legal Cell)

No. 84-99 /R-13/DGP/LC/2017 Dated, the 6th Jan, 2018.

To
The Superintendents of Police,
North / Unokoti / Khowai / Dhalai / West/
Sepahijala / Gomati /South Tripura District.

The Superintendent of Police (GRP)/(Traffic).
Tripura, Agartala.

Subject:- Transmission of copy of order dated 13-11-2017 of the Hon'ble Supreme Court of India passed in IA No. 1060-1062 in Civil Appeal Nos. 12164-12166 of 2016 (Arising out of SLP(C) – Nos. 14911-14913) (Ref: Writ Petition No. 23773 of 2012 and MP Nos. 9 & 10 of 2013) (The State of TamilNadu –Vs- K.Balu & Anr).

Please find enclosed copy of order dated 13-11-2017 of the Hon'ble Supreme Court of India passed in IA No. 1060-1062 in Civil Appeal Nos. 12164-12166 of 2016 (Arising out of SLP(C) – Nos. 14911-14913) (Ref: Writ Petition No. 23773 of 2012 and MP Nos. 9 & 10 of 2013) (The State of TamilNadu –Vs- K.Balu & Anr), contents of which is self explanatory.

It is requested to take necessary action for compliance of the order dated 13-11-2017 of the Hon'ble Supreme Court of India. Action taken in this regard may please be intimated at the earliest.

Enclo:- As stated.

(Lalhminga Darlong)
Asstt. Inspr. Genl. of Police(Crime),
For Director General of Police.
Tripura.

Copy along with its enclosures to :-

1. The Inspector General of Police(L/O), Tripura, Agartala for information please.
2. The Dy. Inspr. Geni. of Police(S/R), Tripura, Agartala for information please.
3. The Dy. Inspr. Geni. of Police(N/R), Tripura, Kumarghat for information please.

Copy also to:-

4. The Under Secretary, Home Department, Govt. of Tripura for information please.
5. The I/C E-Governance Cell, PHQ with a request to upload the same on the Tripura police website.
6. Circular file / Memorandum file of Legal Cell, PHQ.

6.1.18

(Lalhminga Darlong)
Asstt. Inspr. Genl. of Police(Crime),
For Director General of Police.
Tripura.

R-699/17

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. Nos. 1060-1062 OF 2017

IN

20/12/17

CIVIL APPEAL Nos. 12164-12166 OF 2016

571303

The State of Tamil Nadu
Rep by Sec.& Ors .....APPELLANTS

Versus

K BALU & ANR .....RESPONDEI

ORDER

1 The present application is at the behest of the State of Tamil Nadu for clarification of an Order dated 11 July 2017 passed in Special Leave Petition (Civil) No. 10243 of 2017.

2 On 15 December 2016, this Court delivered a judgment in **State of Tamil Nadu** v **K Balu**[1], by which the following directions were issued :

(i) All states and union territories shall forthwith cease and desist from granting licences for the sale of liquor along national and state highways;

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

(iii) The existing licences which have already been renewed prior to the date of this order shall continue until the term of the licence expires but no later than 1 April 2017;

(iv) All signages and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on national and state highways;

(v) No shop for the sale of liquor shall be (i) visible from a natio nal or state highway; (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 metres of the outer edge of the national or state highway or of a service lane along the highway.

(vi) 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.

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[1] (Civil Appeal No. 12164-12166 of 2016)

> These directions issue under Article 142 of the Constitution. 25 We dispose of the appeals and transfer petitions in the above terms. There shall be no order as to costs.

3 Subsequently, on 31 March 2017, this Court *inter alia* directed that :

> "We accordingly direct that the following paragraph shall be inserted, after direction (v) in paragraph 24 of the operative directions of this Court in the judgment dated 15 December 2016 namely :
>
> "In the case of areas comprised in local bodies with a population of 20,000 people or less, the distance of 500 metres shall stand reduced to 220 metres".

4 The earlier directions contained in the judgment dated 15 December 2016 have since been explained further by this Court on 11 July 2017 in **Arrive Safe Society of Chandigarh** v **The Union Territory of Chandigarh**[2]. In that case, by a notification dated 16 March 2017, the Chandigarh administration had modified an earlier notification dated 21 October 2005. By the earlier notification, major arterial roads (described as V1, V2 and V3 roads) were notified as state highways. By the subsequent notification, all V1, V2 and V3 roads were declared as major district roads except for national highway No. 21 and Madhya Marg from Panchkula border to Mullanpur border. The validity of the notification dated 16 March 2017 was upheld by the High Court of Punjab and Haryana.

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[2] SLP (C) No. 10243 of 2017

5 While affirming the judgment of the High Court, this Court in its order dated 11 July 2017 held thus :

> "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 corporations, cities and towns or 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."

Having upheld the validity of the notification issued by the Chandigarh administration, this Court also made the following observations in paragraph 7 of the judgment :

> "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 clarification 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".

The above observations make it clear that the purport of the judgment dated 15 December 2016 is to prohibit the sale of liquor along and in proximity of highways which provide connectivity between cities, towns and villages. In other words, this will not operate to prohibit licenced establishments within municipal areas. The

clarification to the effect that it "shall govern other municipal areas as well" is clearly intended to set the matter at rest in relation to other parts of the country so as to obviate the need for repeated applications before this Court. The expression "other municipal areas" will apply to all municipal areas, wherever situated.

6 The Interlocutory Applications are accordingly disposed of.

Sd/-
.....CJI
[DIPAK MISRA]

.....J
[A. M. KHANWILKAR]

Sd/-
.....J
[Dr D Y CHANDRACHUD]

New Delhi
November 13, 2017