

WP(C) No. 04/2017
IN RE: Implementation of Order dt. 15.12.2016 of Hon'ble Supreme
Court in C.A. No. 12164-12166/2016

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ &
MRS. JUSTICE MEENAKSHI MADAN RAI, J.

04. 23.05.17 Present: Mr. Zangpo Sherpa and Mr. S.P. Bhutia, Advocates
(Agnihotri, CJ) as Amicus Curiae.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for the State.

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Learned Amicus Curiae has filed a status report on

22.05.2017 states as under:

3. That, the report pertaining to the same is as follows:
 - a. The State Government has taken proper steps for proper compliance of all the conditions imposed by the Supreme Court.
 - b. That during the visit it has come to know all the liquor shops and bar adjoining the National Highway has been asked to close down and the same has been followed by the shop owners and bar owners.
 - c. That during the visit liquor shop owners and bar owners informed us that they have followed the order issued by the Government and has closed down their business relating to sale of liquor in their shop, restaurant and hotels.
 - d. The shop owners further informed us, that the New License has not been issued by the Excise Department and as per their information, they were aware of the Supreme Court judgment.
 - e. That during the visit at Rangpo, all the shop which were earlier carrying the trade of selling liquor (Liquor retailer) were closed, even their shop hoarding/signages and advertisement of the availability of liquor were removed. The photograph of the Rangpo area is annexed as **Annexure P-1 (Colly)**.
 - f. The Restaurant and Hotel which earlier had Bar license along the Highway, were operating but were not serving liquor and their bar were not permitted to operate. The maximum Hotels and Restaurant owners has removed word "**BAR**" from their Hotel and Restaurant signages and advertisement, by putting color, paint and stickers on the word "**BAR**".
 - g. However in certain shops, hoarding/signages and advertisement of the shop the word "**BAR**" were not removed or colored. On enquiry it was found

that the said Hotel and Restaurant was not selling liquor and were not also issued bar license by the Excise Department. The photographs of some of the Hotels where the word "Bar" is not removed from their signages is annexed as **Annexure P-2 (Colly)**.

- h. The sale of Liquor by way of retail business (liquor shops), through Bar in Restaurant and Hotel along the National Highway has not been permitted by the State Government. The same has been strictly followed by the Government Authorities in compliance to the Hon'ble Supreme Court Order.
- i. The photographs of various places along the National Highway, is annexed as **Annexure P-2 (Colly)**.
- j. That the State authorities has complied all the conditions imposed by the Supreme Court in Civil Appeal Nos. 12164-12166/2016.
- k. That, this report has been filed in compliance to the Order dated 19.04.2017 of this Hon'ble Court.

Learned Additional Advocate General submits that the order/direction dated 15.12.2016 passed by the Hon'ble Supreme Court in *Civil Appeal Nos. 12164-12166/2016, State of Tamil Nadu & Ors. vs. K. Balu & Anr.* with subsequent modification vide order dated 31.03.2017, relaxing the condition in case of State of Sikkim, have been complied with in its letter and spirit fully.

Thus, nothing survives for further consideration.

The petition stands disposed of.

Judge
23.05.2017

Chief Justice
23.05.2017

jk/ds

Index : Yes / No
Internet : Yes / No