



Serial No.01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.9/2025

Date of order: 30.08.2025

Arbiangkam Kharsohmat

Vs.

1. The Commissioner and Secretary of Excise Government of Meghalaya, Shillong.
2. The Deputy Commissioner (Excise) District, East Khasi Hills, Shillong.

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

For the Petitioner : Mr. A.S. Siddiqui, Sr.Adv with
Ms. M.K. Sah, Adv

For the Respondents : Mr. A. Kumar, Advocate General with
Ms. R. Colney, GA
Mr. E.R. Chyne, GA

- | | | |
|-----|--|--------|
| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

**JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)**

This is a public interest litigation. The petitioner claims to be a citizen of this country and a businessman. He is a resident of Mawryngkneng, Pdengshnong, East Khasi Hills District, Meghalaya.

Learned Advocate General points out that this petition is not according to the rules of this Court relating to public interest litigation (PIL). Since some grounds sought to be canvassed seem to cater to public interest, we entertain this petition, dispensing with any flaw in it.

On the basis of an article published in Meghalaya Times on 28th July, 2025, the petitioner says that the Pommura Dorbar Shnong of the village is proposing to grant a no objection certificate for the establishment of four to five wine stores in the village which is adjoining the highway. The Hynniewtrep National Youth Front (HNYF) does not want any licence to be given for setting up such wine stores.

Learned counsel for the petitioner says that opening of liquor shops would be detrimental to the health of the locals and make the area vulnerable to accident. They do not want opening or setting up of additional wine stores in the village.

Application for grant of licence is pending consideration before the Excise Department, it is submitted by the petitioner.



Learned Advocate General is unable to confirm whether at all there is a proposal for setting up these four to five wine stores in the village in question or an application to the Excise Department for a licence.

We were referred to two Supreme Court judgments, *The State of Tamil Nadu rep. by its Secretary Home, Prohibition & Excise Dept. & ors v. K. Balu & anr* in *Civil Appeal Nos.12164-12166 of 2016* decided on 15th December, 2016 and *The State of Tamil Nadu rep. by Sec. & ors v. K. Balu & anr* in *Civil Appeal Nos.12164-12166 of 2016* decided on 31st March, 2017.

Learned Senior counsel for the petitioner submits that in terms of these judgments, the contemplated liquor shops could not be set up as they were being proposed to set up in the national highways. Learned Advocate General has also interpreted the two judgments but differently. The cumulative effect is that liquor shops can be set up along the national and state highways in Meghalaya but subject to other terms and conditions set out in the judgments and in the relevant enactments. Paragraph 24 of the 2016 judgment and a part of paragraph 25 of the 2017 judgment are set out below:

“24. We accordingly hereby direct and order as follows:

(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 not 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 national or state highways; (ii) directly accessible from a national and 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.

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 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.

These directions issue under Article 142 of the Constitution.”

“25. ... We are of the view that insofar as the State of Meghalaya and Sikkim are concerned, it would suffice if the two states are exempted only from the application of the 500 metre distance requirement provided in paragraph 24(v)(iii) of the judgment of this Court on 15 December 2016.”

It is a policy matter and the government is the best judge of its policy. It should examine the details of the application before issuing a certificate.

We dispose of this public interest litigation by the following order/directions:



- (a) This writ petition will first of all be referred to the Excise Department of the government who will first examine whether at all the Pommura Dorbar Shnong has granted the no objection certificate in question.
- (b) If the answer is yes, the government will refer the representation to an officer not below the rank of Secretary who shall examine the same and take a decision in four weeks whether to confirm the decision of the Pommura Dorbar Shnong or to affirm it with such modifications as he deems fit and proper.
- (c) The decision so arrived at will be conveyed to the petitioner.

The Secretary will consider the application in accordance with law.

This PIL and MC (PIL) No.4 of 2025 are accordingly disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
30.08.2025
"*lam* DR-PS"