

THE STATE OF TAMIL NADU REP. BY SEC. AND ORS.

v.

K. BALU AND ANR.

(M. A. Nos. 492-494 of 2018)

In

(C. A. Nos. 12164-12166 of 2016)

FEBRUARY 23, 2018

**[DIPAK MISRA, CJI, AMITAVA ROY AND
DR. D. Y. CHANDRACHUD, JJ.]**

Liquor – Sale of – In the State of Himachal Pradesh – In the case of State of Uttarakhand on 4.8.2017, an order was passed accepting prayer for concession to hilly terrain in State of Uttarakhand – In view of that order, in the instant application, State of Himachal Pradesh sought parity – Direction to State of Himachal Pradesh to file affidavit setting out the particulars of those districts in the State of Himachal Pradesh which can be considered to be hilly areas or hilly districts.

State of Tamil Nadu v. K. Balu (2017) 6 SCC 715 – referred to.

Case Law Reference

(2017) 6 SCC 715 referred to Para 2

CIVIL APPELLATE JURISDICTION: MA Nos. 492-494/2018 in Civil Appeal Nos. 12164-12166 of 2016.

From the Judgment and Order dated 25.02.2013 and 28.03.2013 of the High Court of Judicature at Madras in Writ Petition No. 23773 of 2012, M. P. Nos. 9 and 10 of 2013 in Writ Petition No. 23773 of 2012

Abhishek Manu Singhvi, Sr. Adv., Roy Abraham, Ms. Seema Jain, Ms. Reena Roy, Himinder Lal, P.N. Goswami, Ms. Pranita Shekhar, Pawan K. Sharma, Shashi Ranjan, Dharmendra Kumar Sinha, Dr. Manish Singhvi, Satyendra Kumar, Shailja Nanda Mishra, Irshad Ahmad, Ashutosh Dubey, Krishnendu Sarkar, Ms. Rajshri, Abhishek Chauhan, V. S. Rawat, Sushil Pandey, Ms. Kuljit Kaur, Pragyan Pradip Sharma, Ms. Anandini Kumari, P. V. Yogeswaran, R. B. Phookan, Ms. Neha Tandon, Shailesh

A Madiyal, M. Yogesh Kanna, Yash Pal Dhingra, Ms. Nandini Sen Mukherjee, Ajay Marwah, Irshad Ahmad, Advs. for the Appellants.

S.S. Shamsbery, AAG, C. L. Pandey, Sr. Adv., Ms. Binu Tamta, S.S. Rawat, Hemant Arya, G.S. Makker, Amit Sharma, Sandeep Singh, Ankit Raj, Ms. Indira Bhakar, Ms. Ruchi Kohli, Manish Kaushik, Ms. Ananya Pandey, Dipesh Sharma, Yash Pal Dhingra, G. Prakash, Jishnu M. L., Mrs. Priyanka Prakash, Mrs. Beena Prakash, Vijay Shankar V. L., S. Thananjayan, Kaleeswaram Raj, Suvidutt M.S., Ajay Marwah, Advs. for the Respondents.

The following Order of the Court was delivered:

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ORDER

1. MAs/IAs have been filed by the State of Himachal Pradesh seeking parity of treatment with the State of Uttarakhand. In the case of the State of Himachal Pradesh, this Court by its order dated 31 March 2017 had observed thus:

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“26. Insofar as the State of Himachal Pradesh is concerned, we are of the view that the exemption which has been granted earlier in respect of areas falling under local bodies with a population of 20,000 will sufficiently protect the interest of the State. No further relaxation is granted over and above what has already been stated in that regard.”

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2. In the case of the State of Uttarakhand, an order was passed by this Court on 4 August 2017 in MA No. 470 of 2017 in Civil Appeal Nos 12164-12166 of 2016 (**State of Tamil Nadu v K Balu**) in the following terms :

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“2. Having given our thoughtful consideration to the aforesaid submission advanced on behalf of the State of Uttarakhand, and keeping in view the additional affidavit dated 17.7.2017 filed in this behalf, we are of the view, that the prayer made by the learned counsel deserves to be accepted for the districts of Uttarkashi, Chamoli, Rudrapur, Tehri, Pauri Garhwal, Pithoragarh, Champawat, Bageshwar, Almora. Insofar as district Nainital is concerned, it deserves to be extended only to four tehsils – Nainital, Dhari, Kosya Kuttauli and Betalghat, and with respect to district Dehradun, it deserves to be extended only to three tehsils - Chakrata, Kalsi and Tiuni.

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3. It is clarified, that the concession is not extended to districts A
Haridwar and Udham Singh Nagar.”

In view of the order which has subsequently been passed on 4
August 2017 in the case of the State of Uttarakhand, the MAs/IAs filed
by the State of Himachal Pradesh seek parity.

3. Before we can consider the request which has been made on B
behalf of the State of Himachal Pradesh, it is necessary that the court
should be apprised of those districts of the State which can be considered
to be hilly areas or hilly districts. Such a course of action was followed
by the court in the case of the State of Uttarakhand before, the order
dated 4 August 2017 was passed. C

4. We accordingly direct that an affidavit setting out the above
particulars be filed within a period of four weeks from today. List
thereafter.

Devika Gujral

Directions issued.