



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 19 of 2025

IN THE MATTER OF SUO MOTO PUBLIC INTEREST LITIGATION, **versus**
THE STATE OF CHHATTISGARH

Order on Board

06.02.2025	Heard Shri Shashank Thakur, learned Dy AG for the State. Also heard Shri Ashish Tiwari, learned counsel for respondent-6/ Commissioner, Municipal Corporation, Bilaspur. In compliance of the order dated 28.01.2025 passed by this court, an affidavit has been filed by the Ms R Sangeetha, presently working as Secretary, Government of Chhattisgarh, Department of Commercial Tax (Excise), Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, which is reproduced hereunder for ready reference: 1. That the present affidavit is being filed in compliance of the order dated 28/01/2025

passed by the Hon'ble Court.

2. That, the instant PIL has been registered by the Hon'ble Court taking suo moto cognizance on the news item published in newspaper namely "Navbharat" my City Bilaspur dated 28.01.2025 with the heading of "*Sirgitti Mukhya Marg Par Sharab Bhatthi Bani Ji Ka Janjal*" sub heading "*Yatayat Nager Ke Approach Road Se Hatai Gai Sharab Dukan Parantu Sirgitti Mukhya Marg Se Nahi Hati Sharab Ki Dukane*".

3. That on 28/01/2025 the matter was listed before the Hon'ble Court for hearing and taking cognizance on the news items published in the aforesaid newspaper dated 28/01/2025 the Hon'ble Court was pleased to direct the respondent no. 2/Secretary Excise, Government of Chhattisgarh Raipur to file its personal affidavit with respect in the matter on the issue for which the news item has been

published in the said newspaper

4. That in compliance of the order passed by the Hon'ble Court dated 28/01/2025, the deponent respectfully submits as under

a. That the deponent has the highest regards and great respect for the lawful authority of this Hon'ble Court and its orders, directions and instructions issued by this Hon'ble Court from time to time.

b. That, the deponent respectfully submits that the State Government has framed the Rules of General Application in exercise of the powers conferred under the Chhattisgarh Excise Act. 1915 with the object to provide necessary guidelines with respect to trade of liquor in the State of Chhattisgarh. It is submitted that an amendment was made to the said Rules of General Application and the same was published in the official gazette dated 02/02/2006 which pertains to the determination of location for liquor retail outlets in the State of Chhattisgarh. As per the amendment made in the Rules of General Application,

it is provided that for giving retail outlet license for the trade of liquor or the license for consumption purposes. there are certain factors which have to be taken care of such as -

(i) the place where the license is issued should not be situated near the factor or any work place where a lot of labours are engaged

(ii) the shop of retail outlet should not be situated near any religious institution /education institution / Hospital / colony belonging to Scheduled Caste, Labour colony, Bus Stand, Railway Stand National Highways etc

A copy of the gazette notification with respect to the amendments in the Rules of General Application is being filed herewith as Annexure A/1

c. It is submitted that again an amendment was made in the Rules of General Application by the Department and the same was published in the official Gazette of the State on 19/02/2024 wherein Part -B of sub-rule (1) of Rule 1 was amended and as per the said amendment, any license for retail outlet or license for consumption should

not be given within the periphery of 100 meters for the place wherein a religious institution / education institution/hospital / colony belonging to Scheduled Caste (minimum 100 families), labour colony (minimum 100 families), near petrol pump etc are situated A copy of the gazette notification dated 19/02/2024 is being filed herewith as Annexure A/2 In this Rule Religious institution means an institution for the promotion of any religion and included temple math mosque, church or other place of public religious worship which is managed or owned by a public trust registered under the Public Trusts Act, 1951 or any other enactment for the time being in force and shall include such other religious institutions as the State Government may by order specify in this behalf.

d. It is submitted that 2 liquor retail outlets are running in subject area which is "Sirgitti", one being the Foreign liquor and another is the country liquor It is submitted that both the liquor retail outlets are adjacent to each other and the said liquor retail outlets are being run at the said location for more than 5 years and in the periphery of this

area for more than 8 years.

e. It is submitted that the license for retail sale for both these category of liquor retail outlets has been issued in the same periphery for more than 8 years taking into care the provisions contained in the Rules of General Applications as well as the amendments made from time to time and the same are being given strictly in accordance with the Chhattisgarh Excise Act. 1915 and the Excise Policy framed by the State of Chhattisgarh.

f. It is respectfully submitted that from time to time necessary instructions are issued by the office of the Excise Commissioner with respect to establishment of liquor retail outlets as per the Excise Policy and other necessary issues It is respectfully submitted that while issuing the liquor retail outlet license at subject place, the department prime concern is that the place wherein the liquor retail outlet is proposed to be opened, should not be at any such places which is against the norms and policy of the State Government. In this regard, it is further submitted that the liquor retail outlet (country and foreign)

situated in Sirgitti Locality (subject place) are being run for more than 8 years and the license of these two liquor retail outlets have been issued strictly as per the Rules of General Application as well as the relevant instructions issued from time to time. It is submitted that copy of recent instructions for financial year 2024-25 with respect to the liquor retail outlets is being filed herewith as **Annexure A/3.**

g. it is submitted that the Excise Department, in order to provide better facilities to the consumer has taken a policy decision for establishment of "Ahata" (a place where the basic facilities are provided to the consumers) within premises of liquor retail outlets / adjacent to the liquor retail outlet and for the same, the Government has taken a policy decision to issue the license for the said premises (Ahata) so that the consumer gets a place for drinking and no nuisance is created, thereby the entire thing can be done in a proper and regulated manner A copy of the detailed guidelines for licensing of Ahata dated 15/03/2024 is being filed herewith as **Annexure A/4**

h. It is respectfully submitted that Clause 14 of the said guidelines dated 15/03/2024 prescribes for standards and measures for running of the said Ahata and clause 14(2) specifically prescribes the mandatory requirement, according to which, it is provided that the said Ahata should mandatorily be run by the licensee in a closed campus so that no disturbance is caused either to the neighbourers or to the public at large. It further provides that the licensee should have taken due care that fresh air and proper lighting is maintained in the Ahata and further to take necessary steps towards hygienic conditions etc in the entire premises of Ahata Similarly clause no 14(3) provides that as far as possible opening of Ahata should not be at the main road or common road.

i. It is further respectfully submitted that after the order passed by the Hon'ble Court in the present case, the deponent has immediately acted upon it to comply with the said order and in furtherance of the same, sought necessary reports from the Assistant Commissioner, Excise, Bilaspur. It is submitted that the Assistant District

Excise Officer, Bilha Circle, in response to the communication made by the Assistant Commissioner, Excise, Bilaspur, submitted its detailed report with respect to the subject place wherein it has been reported that there is no temple/religious institution within the periphery of 100 meters from the said liquor retail outlets nor there is any colony belonging to the members of Scheduled Caste or labour colony and further the said liquor retail outlets are situated at the earmarked place which is strictly in accordance with the provisions contained in the Rules of General Application and other instructions issued from time to time It has further been reported that a rent agreement is executed annually with the owners of the building for running the said liquor retail outlets Further it has been reported that the license for running the Ahata has been issued in favour of one Ajay Puri Goswami S/o Shri Vedpuri Goswami for the period from 15/10/2024 to 31/03/2025. To demonstrate this fact copies of report dated 30/01/2025 alongwith the latest rent agreement and license of Ahata are being filed herewith as **Annexure A/5**

collectively.

j. It is submitted that after grant of license for Ahata which is associated with for country liquor retail outlet, the opening of the country liquor retail outlet has been provided on the backside through a separate passage. Hence, the Ahata is not at all visible from the outside as well as from the main road and the same does not cause any disturbance either to the neighbourers or to the public in general it is further submitted that at the peak hours, due to parking of vehicles some disturbance is created and in order to take care of the same on the instructions of the officials of the Department the Licensee of the Ahata has taken proper care with respect to the parking of the vehicles and has also deployed staffs and further the officials of the Excise Department of concerned Districts are also taking care of the same from time to time so that no-traffic congestion is caused at the places where the liquor retail outlets are situated. To demonstrate the fact copies of few photographs showing no traffic congestion at the subject place are being filed herewith as **Annexure**

A/6 colly for kind perusal of this Hon ble Court Also after the cognizance taken up by the Hon'ble Court, the department along with local administration has specifically worked upon the issue and continuous monitoring would be done in order to ensure that the road is free for public and are not disturbed by the functioning of the shop. The news published in the local newspapers on 04.02 2025, in this regard has been annexed as **Annexure A/7.**

k. That the deponent most humbly and respectfully submits that she is a law abiding person and has the highest regards and great respect for the lawful authority of this Hon'ble Court and its orders and directions issued from time to time and she is duty bound to abide by and adhere to the order and direction of the Hon'ble Court.

5. That, the contents of this affidavit have been drafted according to my instructions and the contents thereof are true and correct to the best of my personal knowledge and belief, based on the official records.

From perusal of the above affidavit, it is observed that two liquor retail outlets are being run in Sirgitti, one being the

Foreign liquor, and the other is country liquor, since more than 8 years under the license issued for establishment of “**AHATA**” (A place where the basic facilities are provided to the consumers) by the State, and certain measures have also been taken so that people may sit at one place and consume liquor, without creating any disturbance to others in the vicinity.

So far as the congestion of traffic at the place is concerned, efforts are being made and persons have been deployed outside the liquor shops to control the traffic and to monitor that the vehicles are not being parked in such a manner which may cause traffic congestion.

Another affidavit has also been filed by Shri Amit Kumar, presently working as the Commissioner, Municipal Corporation, Bilaspur, District-Bilaspur, respondent-6, in compliance of the order dated 28.01.2025 passed by this court, relevant portion of which is reproduced hereunder for ready reference:

“2. The answering deponent respectfully submits that the present affidavit is being filed in compliance of the

order dated 28/01/2025 passed by this Hon'ble Court in the captioned matter wherein this Hon'ble Court was pleased to issue the following direction, the relevant extract of which is reproduced herein below:

“

An enclosure has been constructed inside the sam liquor distillery, due to which people buy liquor and s in the enclosure and consume it. The further proble is that the drunkards park their motorcycles on th main road, due to which a situation of congestion being created on the road every day.

Looking to the aforesaid situation, at this stage, we deem it appropriate to direct therespondent No.2 i.e. Secretary, Excise, Government of Chhattisgarh as well as respondent No.5 i.e. Commissioner, Municipal Corporation, Bilaspur to file their respective personal affidavits inthe matter before the next date of hearing.

Let this matter be listed again on 6th February, 2025.”

3. The answering deponent respectfully submits that he has highest regard and respect towards this Hon'ble Court and the judgement, directions or orders which are passed by this Hon'ble Court and shall not conduct any action which may go contrary to the directions of this Hon'ble Court.

4. At the outset, the answering deponent respectfully submits that the present Affidavit is being filed in the capacity of Commissioner, Municipal Corporation, Bilaspur which has been arrayed as party Respondent No. 6 in the present petition, whereas this Hon'ble Court has been pleased to direct the Respondent No. 2 Secretary Excise, Government of Chhattisgarh and Respondent No. 5 Excise Commissioner, Bilaspur to file their personal affidavit. However, since the name of the post of present deponent has been mentioned in the order dated 28/01/2025 therefore the present affidavit is being filed before this Hon'ble Court with the kind permission / leave of the Hon'ble Court.

5. The answering deponent respectfully submits that the subject matter of the present Public Interest Litigation is with respect to the condition of the people living in th Sirgitti Tarbahar area of Bilaspur District due to th existence and operation of a liquor shop located at Sirgi Tarbahar which, as has been observed by the Hon" Court in the order dated 28/01/2025, has become a ca of trouble for the people.

6. The answering Deporient respectfully sutimits that the establishment, operation, maintenance and the decision with respect to estabhlishing the liquor shop is beyond the jurisdiction of the Municipal Corporation, Bilaspur and it's officials and the said exercise in under the jurisdiction and domain of the Excise Departement and it's authorities.

7. It is respectfully submitted that the Excise Department i.e. Respondent No. 2 as well as the Excise Commissioner. Bilaspur i.e., Respondent No. 5 are already a party in the present PIL and it is the

humble submission of the present deponent that the aforesaid Respondents would be in a better position to apprise this Hon'ble Court with respect to the subject matter in question as the Municipal Corporation, Bilapsur has no control or authority over the establishment and operation of the concerned Liquor shop and it has no official record available with respect to the present subject matter.

8. In addition to the aforesaid, it is submitted that necessary steps have been taken by the Officials of the Corporation to ensure cleanliness and to remove the illegal encroachment on the roads and the disorderly manner of parking of vehicles outside the Liquor Shop. The report submitted by the Zone Commissioner, Zone No. 2, Municipal Corporation Bilapsur to the Additional Commissioner, Municipal Corporation Bilapsur is being annexed herewith and marked as ANNEXURE R/5-1 for the kind perusal and consideration of this Hon'ble Court.

9. The answering deponent respectfully submits that necessary steps are taken to ensure compliance of the order passed by this Hon'ble Court.

10. The answering deponent respectfully submits that it shall abide by any further order(s) which this Hon'ble Court will be passing in the facts and circumstances of the present case.”

Considering the above affidavits, we further post the matter after a month in order to monitor the situation, so that the public at large, and the passers by through the said vicinity may not face any hardship, or inconvenience.

The District Magistrate, Bilaspur, and the Superintendent of Police, Bilaspur, are directed to file their personal affidavit in this regard by the next date of hearing, and deploy appropriate force at the location also, to make sure that no nuisance is caused to the public.

The Commissioner, Municipal Corporation, Bilaspur is directed that he shall regularly visit the place in question once in

a day, specially in the evening hours, and will file his personal affidavit in this regard.

Let the matter be listed on **28th February**, 2025.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

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