

ITEM NO.104

COURT NO.11

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4688/2005

STATE OF TAMIL NADU &amp; ORS.

Appellant(s)

VERSUS

A. VARADHARAJAN

Respondent(s)

(with office report)

WITH

C.A. No. 4645-4660/2005

(With Office Report)

C.A. No. 4661/2005

(With Office Report)

C.A. No. 4689-4795/2005

(With Office Report)

Date : 24/07/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s)      Mr. Sekhar Naphade, Sr. Adv.  
                                 Mr. Subramonium Prasad, Sr. Adv.  
                                 Mr. B. Balaji, Adv.  
                                 Mr. R. Rakesh Sharma, Adv.  
                                 Mr. M. Agarwal, Adv.  
                                 Ms. R. Shase, Adv.  
                                 Mr. Uttkarsh Srivastava, Adv.

For Respondent(s)      Mr. Atul Shankar Vinod, adv.  
                                 Mr. Dileep Pillai, Adv.  
                                 Mr. Ajay K. Jain, Adv.  
                                 Mr. M. P. Vinod, Adv.

Mr. Jayanth Muth Raj, Adv.  
Mrs. Malvika J., Adv.  
Mr. C. K. Sasi, Adv.

Mr. K. K. Mani, Adv.  
Ms. T. Archana, Adv.

Mr. Hari Shankar K., Adv.

Mr. V.N. Raghupathy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The Appeals are disposed of in terms of the Signed  
Order.

(NEELAM GULATI)  
COURT MASTER

(SAROJ SAINI)  
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).4688 OF 2005

STATE OF TAMIL NADU & ORS.

Appellant(s)

VERSUS

A. VARADHARAJAN

Respondent(s)

WITH

CIVIL APPEAL NO(S). 4645-4660 OF 2005

WITH

CIVIL APPEAL NO(S).4661 OF 2005

WITH

CIVIL APPEAL NO(S). 4689-4795 OF 2005

O R D E R

It is not controverted before us that for the last decade it is only Tamil Nadu State Marketing Corporation Ltd. (in short 'the TASMAC') which is authorised to distribute and sell Indian Made Foreign Liquor (in short 'the IMFL') in the State of Tamil Nadu.

Counsel for the Respondent before us states that no suit for compensation/damages has been filed by their clients, as envisaged in para 11 of the Impugned Judgment In the above circumstances, it appears to us to be an academic exercise as to the Constitutionality of the Tamil Nadu Prohibition (Amendment) Act, 2004 ( in short 'the Act 2 of 2004'), in which

exercise, we do not wish to participate. These Appeals are accordingly disposed of leaving the issue of vires of the Act 2 of 2004 open.

.....J  
(VIKRAMAJIT SEN)

.....J  
(SHIVA KIRTI SINGH)

NEW DELHI  
JULY 24, 2015