

**Civil Writ Petition No. 25777 of 2012 (O&M)**

Arrive Safe Society

Versus

National Highway Authority of India and others

Present : Mr. A.K.Jain, Advocate, for the petitioner.  
Mr. S.K.Sahore, Advocate, for respondents No.1 to 3.  
Mr. P.S.Bajwa, Addl. Advocate General, Punjab  
for respondent No.4.  
Mr. Anil Rathee, Addl. Advocate General, Haryana,  
for respondent No.5.

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**SANJAY KISHAN KAUL C.J.** (Oral)

We have heard learned counsels for the parties.

2. It appears from the stand of learned Addl. Advocate Generals for the States of Punjab and Haryana that it is the case of both the States that the liquor shops are being kept away from the National Highways in accordance with the Punjab Scheduled Roads and Control Area Restrictions and Unregulated Development Act, 1963 (hereinafter referred to as the 'said Act'). Section 3 of the said Act prescribes a distance of 30 meters in case of any construction. This in our view does not address the issue of liquor sale being made accessible from a national highway.

3. Learned counsel for the petitioner has drawn our attention to a letter dated 01.12.2011 of the Government of India, Ministry of Road Transport & Highways (Road Safety Cell). Relevant Para No. 5 of the said letter is reads as under:-

“In view of above, it is reiterated that all enforcement agencies may take following actions immediately to curb cases of drunken driving in each State/U.Ts.

- i) Strict enforcement of section 185 of MV Act, 1988 preferably pursuing cases in various Courts for ward off penalty of imprisonment followed by adequate publicity which will together act as a deterrent for drunken driving.
- ii) Removal of liquor shops along National Highways.
- iii) No fresh license may be issued to Liquor vendors to open shops along National Highways.
- iv) Wherever licenses have been given in the past to open liquor shops along National Highways, such cases may be reviewed and corrective action taken under intimation to this Ministry.”

4. The letter and spirit of the aforesaid paragraph is that the liquor vend shops should not exist along the national highways and ones existing must be closed. No specific distance has been provided. However, the only logical conclusion would be that the liquor shops should not be located in such a manner as to be accessible from the highways and preferably not visible. Infact, the National Highways Authority of India has issued a letter dated 04.08.2012 to the Deputy Commissioners of nine Municipalities bringing this problem to their notice qua part of NH-1. A copy of this letter has been handed over in Court and the same is taken on record. Relevant part of the letter is reproduced herein under:-

“To

The Deputy Commissioner, Panipat  
The Deputy Commissioner, Karnal,  
The Deputy Commissioner, Kurukshetra,  
The Deputy Commissioner, Ambala,  
The Deputy Commissioner, Fatehgarh Sahib,  
The Deputy Commissioner, Patiala,  
The Deputy Commissioner, Ludhiana,  
The Deputy Commissioner, Jalandhar,  
The Deputy Commissioner, Kapurthala.

Sub: Six Laning of Panipat-Jalandhar section of NH-1 (Km 86,000 to Km 387.100): **Removal of liquor shops and their unauthorized access: reg.**

Sir,

1. It is submitted that a list of liquor shops existing on the Panipat-Jalandhar stretch has been prepared through the concessionaire i.e. M/s Soma Isolux NH One Tollway Pvt. Ltd.
2. It is further submitted that none of the shops have obtained access permission to their establishments/liquor shops/liquor ahtas etc. from MORTH which is pre-requisite for access to private property as per NH guidelines issued vide letter No. RW/NH-33023/19/99-DO.III dated 31 August, 2000. A number of liquor vendors have encroached upon NH land as can be seen from the list wherein distance of liquor shops has been shown with respect of Right of Way of NH.
3. It will not be out of place to mention that many precious lives are lost in road accidents in our country estimated to be 130000 every year and a vast proportion of these accidents is due to drunken driving. There are 185 liquor shops on a stretch of 291.100 Km whereas the number of trauma centre/hospitals where immediate medical services can be provided to accidents victims is highly deficient being almost negligible.
4. This office has projected the case for removal of such liquor shops to various authorities from time to time but concrete action is yet to be taken in the absence of lack of support from various quarters. It is well known that the liquor shops are owned by influential people and removal of unauthorized encroachments will not be possible unless the support of district administration is available in a proactive and continuous manner.
5. In view of the above, it is requested that necessary assistance may be provided to the concessionaire who has been directed to remove unauthorized access/encroachments of NH by liquor shops.

Yours sincerely,

**Civil Writ Petition No. 25777 of 2012 (O&M) [4]**

Sd/-Rajesh Kumar Kaundal  
General Manager (Tech.)  
Project Director.

CC: The CGM (Tech.), Punjab & Haryana, RO NHAI, Chandigarh,  
The General Manager, M/s Soma Isolux NH One Tollway Pvt. Ltd. Ambala City, for information and necessary action please.

It is directed to remove unauthorized access/encroachment including sign boards erected, if any, by the liquor shops giving directions/advertisements of their shops. It is further directed that proper record should be maintained about the liaisoning actually carried out with the district authorities by your route patrolling party so that district authorities can be apprised about the action highlighting requirement of further assistance required as the case may be in an affective manner.”

5. The aforesaid letter brings out the seriousness of the problem as there are 185 liquor shops on a stretch of 291.100 Km. It calls for removal of all the unauthorized access/encroachments, sign boards erected, if any, by the liquor shops etc. with the assistance of the District Administration.

6. We are of the view that in larger public interest, it is necessary that this should be implemented qua all the highways of Punjab and Haryana and call upon the State Governments to take necessary action including communications with the district administrations. A survey should be done on all the highways to find out as to how many liquor shops exist and prescribe the time period for their removal. The advertisement boards in any case should be removed forthwith.

7. To begin with and to set an example, at least the aforesaid letter dated 04.08.2012 of the National Highways Authority of India ought to be implemented immediately and compliance shown.

8. The aforesaid would be monitored and compliance to be ensured by the Secretary Local Bodies and Secretary, Excise & Taxation, who will file a joint status report of compliance under their signatures within a period of four weeks from today.

9. We have also called upon Mr. Chetan Mittal, learned Senior Advocate present in Court to assist us in the matter as *Amicus-Curiae* to look into the support material which is relevant for the present controversy. Registry is directed to supply a complete set of paper book to him forthwith.

List again on 13.09.2013.

A copy of the order be given *dasti* to learned counsel for the parties under the signatures of the Bench Secretary.

**CM No. 7617 of 2013**

Exemption allowed subject to all just exceptions and CM disposed of.

**CM Nos. 2593 of 2013 & 7618 of 2013**

These are the applications seeking interim reliefs against opening of liquor vends on highways and road sides by the States of Punjab and Haryana. Learned counsels for both the States assure that in

view of the aforesaid order, there is no question of issuing any fresh license within the proximity of the highways and road sides. The said statement is taken on record and shall be duly complied with.

With these observations, both the application stand disposed of.

(SANJAY KISHAN KAUL)  
CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)  
JUDGE

**30.07.2013**  
'ravinder'