



RAJASTHAN HIGH COURT
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 6324/2023

1. Kanhaiya Lal Soni S/o Shri Mal Chand Soni, Aged About 73 Years, B/c Soni Resident Of Ward No. 23, Ladnu Road, Behind Chungi Naka, Sujangarh, District Churu.
2. Manoj Nai S/o Shri Inder Chand Nai, Aged About 39 Years, B/c Nai Resident Of Badi Bas, Charmalon Ki Haveli, Ward No. 26, Sujangarh, District Churu.

----Petitioners

Versus

1. The State Of Rajasthan, Through The Joint Secretary (Excise), Rajasthan State Excise Department, Government Of Rajasthan, Jaipur.
2. The Excise Commissioner, 2, Gumaniawala, Panchwati, Udaipur 313001
3. The District Collector, District Churu
4. The Sub Divisional Officer, Tehsil Sujangarh, District Churu.
5. The District Excise Officer, Churu
6. The Commissioner, Municipal Council, Sujangarh.
7. Mahendra Wines, Near Jain Temple, Sujangarh, District Churu.
8. Shop No.1 (G.N.(3)), Arham Plaza, Station Road, Sujangarh, District Churu.
9. Shailesh Rathi, Opposite Government Primary School, Sujangarh, District Churu.
10. Jai Bhawani Wines, Zone No.7, Behind Shani Temple, Sujangarh, District Churu.
11. Lucky Wines, Near Railway Line, Siya Ram Mandir Bagechi, Sujangarh, District Churu.
12. Desi Wine Shop, Harijan Basti, Sujangarh, District Churu.

----Respondents

For Petitioner(s) : Mr. Abhinav Jain
For Respondent(s) : Mr. Mahaveer Bishnoi, AAG with
Mr. Harshwardhan Singh
Mr. Ravindra Jala for
Mr. S.S. Ladrecha, AAG
Mr. Harsh Gupta for
Mr. Pawan Singh Rathore

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE ANUROOP SINGHI**

Order



06/10/2025

1. The instant writ petition (PIL) has been preferred by the petitioners claiming the following reliefs :

"A) The Respondent State authorities be directed to shift/Locate all the Liquor shops in the City of Sujangarh 500 mtrs. V/s K. Balu & anr. and Judgment dated 20.03.2023 passed in Kanagachettikulam Makkal Podhunala Eyakkam v/s U.O.I. & Ors: and

B). The Respondent State be directed to amend Rule 75 of the Rajasthan Excise Rule, 1956 in accordance with the directions issued by the Supreme Court in the case of State of Tamil Nadu represented by its Secretary Home, Prohibition and Excise Department and others Vs. K. Balu dated 15.12.2016 and reiterated in Kanagachettikulam Makkal Podhunala Eyakkam v/s U.O.I. & Ors. vide Judgment dated 20.03.2023: and

C) Any other order or direction, which the Hon'ble Court deems just and proper in the facts of the circumstances of the case be passed in favour of humble petitioners."

2. Learned counsel for the petitioner has referred to Rule 75 of the Rajasthan Excise Rules, 1956, which reads as under :

"75. Location of shops –

(1) A licensee for the retail sale of Country Liquor, Foreign or Indian Made Foreign Liquor or hemp drugs shall have his shop only at a place approved by the District Excise Officer concerned.

(2) A shop for the retail sale of Country Liquors or Foreign or Indian Made Foreign Liquor shall not be located within a distance of 200 metres of Collegiate Educational Institution, Senior Higher Secondary School, Girls School of any standard, Hospital, Place of Worship or Place of Public Entertainment, a Factory or a Labour or Harijan Colony.





(3) A retail shop shall not be shifted from one place to another but if a licensee desires to change already approved location of the shop, same may be allowed by the District Excise Officer concerned on such conditions and fees as determined by the Excise Commissioner from time to time

(4) The District Excise Officer, with sufficient reasons to be recorded in writing, shall have the powers to shift a shop from one place to another and no compensation shall be given to the licensee for such shifting of a shop.

Provided that the Excise Commissioner may grant relaxation in the above conditions of location of a Liquor shop in exceptional circumstances after recording sufficient reasons in writing for doing so.

(5) A shop for the retail sale of country liquor, Foreign liquor and Indian Made Foreign Liquor, beer or Hemp Drugs shall not be located within a distance of 150 meters on both sides from the Centre of National or State High ways. But this condition shall not apply in areas falling within the jurisdiction of Municipal Corporation/ Municipal Council/ Municipality or where a developed market at a distance specified by Public Works Department is located.

Explanations-

(1) For the purpose of sub-Rule(2) of Rule 75, the restriction about the distance of a shop from a "Place of Worship" in the cities having a population of more than one lac shall only be applicable in respect of those places of worship entered in the list maintained in the Office of District Excise Officer.

(2) Harijan Colony shall mean a Municipal Ward, in which population of Person belonging to Scheduled Castes according to the latest census exceeds fifty percent of the total population of that ward,

(3) Any shop situated near an Educational Institution other than a College or Senior Higher Secondary School level Institutions or girls school of any standard shall be opened only at least one hour after the closing time of that institution.





(4) for the purpose of sub-rule (2) of Rule 75 "Place of Public Entertainment" shall mean Theater and Cinema Hall only."

3. Learned counsel for the petitioner has taken this Court to the judgment rendered by Hon'ble Apex Court in the case of State of Tamil Nadu, Represented by its Secretary Home, Prohibition and Excise Department & Ors. V/s K. Balu & Anr. reported in (2017) 2 SSC 281, relevant portion of the said judgment reads as under :

"29. We, accordingly, hereby direct and order as follows:

29.1. All States and Union Territories shall forthwith cease and desist from granting licences for the sale of liquor along National and State highways;

29.2. The prohibition contained in Para 29.1 above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;

29.3. 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 no later than 1-4-2017;

29.4. All signage and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on National and State highways;

29.5. No shop for the sale of liquor shall be (i) visible from a national or State highway; (ii) directly accessible from a national or State highway; and (iii) situated within a distance of 500 m of the outer edge of the national or State highway or of a service lane along the highway.

29.6. 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 a 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.

29.7. These directions issue under Article 142 of the Constitution.”

4. Learned counsel for the petitioner has also taken this Court to the judgment rendered by Hon'ble Apex Court in the case of Kanagachettikulam Makkal Podhunala Eyakkam v/s U.O.I. & Ors., relevant portion of the said judgment reads as under :

*"Thus, as per para 29.5, no shop for the sale of liquor shall be (i) visible from a national or State highway; (ii) directly accessible from a national or State highway; and **(iii) situated within a distance of 500 m of the outer edge of the national or State highway or of a service lane along with highway.** The Rule which may be applicable in the Union Territory of Puducherry may not be permitted to Over-rule the directions issued by this Court. In view of the above, the relocation of respondent no. 4 within 150 mtrs. from the temple/mosque as well as the educational institution is absolutely in teeth of directions issued by this Court in the case of State of Tamil Nadu represented by its Secretary Home, Prohibition and Excise Department and others Vs. K. Balu and another (supra). Under the circumstances, the impugned judgment and order passed by the High Court deserves to be quashed and set aside.*

In view of the above and for the reasons stated hereinabove, the present appeal succeeds. The impugned judgment and order passed by the High Court dismissing the writ petition is hereby quashed and set aside. The decision, if any, to shift the liquor shop in the name of respondent no.4 / M/s. Premier Enterprises to an area which is within 150 mtrs. from the temple/mosque/educational institution is hereby quashed and set aside. If respondent no. 4 is continuing liquor shop within 150 mtrs. from the temple/mosque/educational institution, as alleged in the





writ petition, respondent no. 4 is directed to close the liquor shop within a period of four weeks from today and relocate the shop to an area which shall be beyond 500 mtrs. from the temple/mosque/educational institution. The present appeal is allowed to the aforesaid extent. No costs."

5. This Court has carefully considered the submissions made by learned counsel for the petitioners as well as the learned Additional Advocate General appearing for the respondents, and has perused the material placed on record.

6. Learned counsel for the petitioner has demonstrated, by placing factual instances on record, that despite the clear statutory prohibition contained under *Rule 75 of the Rajasthan Excise Rules, 1956*, and the binding directions issued by the Hon'ble Supreme Court in *State of Tamil Nadu v. K. Balu* [(2017) 2 SCC 281] and *Kanagachettikulam Makkal Podhunala Eyakkam v. Union of India* (2023), several liquor shops continue to operate within the prohibited zones—being within 200 meters of educational institutions, hospitals, and places of worship, and in some instances, within 500 meters of national and state highways.

7. The Court notes that *Rule 75* clearly restricts the location of liquor shops near institutions and establishments of public, social, and moral significance, and the Apex Court's judgments have further extended the restriction to ensure a 500-meter buffer zone from national and state highways. These directions have been issued in exercise of constitutional powers under *Article 142* and are, therefore, binding on all States and authorities under *Articles 141* and *144* of the Constitution of India. **Moreover, the restrictions on the location of liquor shops are not merely procedural but are founded on considerations of public health, road safety, and social welfare. The Hon'ble Supreme Court, while issuing uniform directions**





under Article 142 of the Constitution, sought to insulate vulnerable sections, particularly students and commuters, from easy accessibility to alcohol. The State authorities, therefore, carry a heightened responsibility to implement these safeguards in both letter and spirit.

8. Notwithstanding these binding prescriptions, the petitioners have brought to notice that the implementation on the ground remains wanting, and the continued existence of such liquor shops in proximity to schools, hospitals, temples, and public colonies not only defeats the object of the Excise Rules but also runs contrary to the spirit of the directions of the Hon'ble Supreme Court intended to protect public welfare and societal order.

9. On the other hand, learned Additional Advocate General has submitted that one of the temples cited by the petitioners is not registered with the Devasthan Department, and thus may not attract the restriction contemplated in the explanation to *Rule 75*. However, he has fairly assured this Court that the State Government and its authorities are committed to ensuring full compliance with both *Rule 75* and the judicial directions issued by the Hon'ble Supreme Court.

10. This Court is of the considered view that the obligation of the State does not end with formal compliance but extends to ensuring substantive adherence to the rule of law and the judicial directions binding across the nation. The responsibility of the Excise Department, therefore, is to actively verify, identify, and rectify any instance of violation by ensuring that all liquor shops in the State of Rajasthan conform strictly to the prescribed distance norms and are relocated, wherever required, to lawful and permissible areas.

11. In light of the aforesaid submissions and to ensure adherence to the statutory and constitutional mandate, **respondent No.2 – the Excise**





Commissioner, Rajasthan, is hereby directed to file a detailed affidavit affirming that no liquor shop within the State of Rajasthan is operating in violation of *Rule 75 of the Rajasthan Excise Rules, 1956*, or the directions issued by the Hon'ble Supreme Court in *State of Tamil Nadu v. K. Balu and Kanagachettikulam Makkal Podhunala Eyakkam v. Union of India*.

12. The said affidavit shall be filed **on or before 16.10.2025**.

13. It is further directed that **any liquor shop situated within the prohibited zones** specified under *Rule 75 of the Rajasthan Excise Rules, 1956*, and the aforementioned judgments — including areas in proximity to **collegiate educational institutions, senior higher secondary schools, girls' schools of any standard, hospitals, places of worship, places of public entertainment, factories, labour or Harijan colonies, and along or within 500 meters of national and state highways — shall be closed forthwith**.

14. Compliance with this directive shall be explicitly detailed in the affidavit to be filed before this Court.

15. The Excise Commissioner shall, however, be at liberty to relocate such shops to alternative sites strictly conforming to the policy framework and the principles laid down by the Hon'ble Supreme Court.

16. In case strict compliance is not ensured and the affidavit is not filed by the next date of hearing, this Court shall be constrained to consider initiation of appropriate action including contempt proceedings against the concerned officials responsible for such non-compliance.

17. List the matter on 16.10.2025.

(ANUROOP SINGHI),J

(DR.PUSHPENDRA SINGH BHATI),J

85-Sudheer/-