

SUPREME COURT OF INDIA

Janshi and Company

Vs.

State of T.N.

(A. Varadarajan and V. Balakrishna Eradi JJ.)

17.09.1982

JUDGMENT

A. VARADARAJAN

The writ petitioners were dealers in Indian-made foreign liquor. They were holders of composite wholesale and retail dealer's licences. Now, the wholesale and retail licences for dealing in such liquors have been delinked and separate licences were issued to wholesale dealers and retail dealers. The wholesale dealer's licence for the entire city of Madras was issued to one M. Subbarama Reddy, the 3rd respondent in W.P.No. 6797 of 1981 and not to any of the writ petitioners. The writ petitions were filed in these circumstances.

2. the reliefs prayed for in writ petition No.6797 of 1981 are: (a) to declare sections 17-C, 17-D, 20-B and 23-A of the T.N. Prohibition Act, 1937 as amended, as unconstitutional and liable to be struck down; (b) to declare Rules 3,5,6,7,10,16,18 and 22 of the Tamil Nadu Liquor (Licence and permit) Rules, 1960 to be unconstitutional and liable to be struck down; (c) to declare that the Notification dated June 12, 1981 issued by the Commissioner of Prohibition and Excise, Tamil Nadu is void and to quash the same and (d) to declare that the order dated August 29, 1981 is void and to quash the same.

3. The relief prayed for in W.Ps. Nos. 8278 and 8279 of 1981 are: (a) to declare the provisions of Tamil Nadu Prohibition Act, 1937 and in particular Sections 17-C, 17-D, 17-E, 18-B, 20-B and 23-A of that Act to be unconstitutional and void as being violative of the petitioner's fundamental rights guaranteed under Articles 14 and 19(1)(g) of constitution; (b) to declare Rules 3,5,6,7,10,16,18 and 21 of the above Rules to be unconstitutional and void as being violative of Articles 14 and 19(1)(g) of the Constitution; (c) to declare the Notification dated June 12, 1981 issued by the Commissioner of Prohibition & Exice, Tamil Nadu, the 2nd respondent as null and void and (d) to quash the order dated August 29, 1981 as being unconstitutional and void.