

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 22nd DAY OF AUGUST 2017

BEFORE

THE HON'BLE Dr.JUSTICE VINEET KOTHARI

WRIT PETITION Nos.29751/2017 & 31818/2017

C/W W.P.No.27627/2017,

W.P.No.28953/2017,

W.P.No.28954/2017, W.P.No.29752/2017,

W.P.No.29754/2017, W.P.Nos.29755/2017 &

31811/2017, W.P.Nos.29756/2017 & 31816/2017,

W.P.Nos.29757/2017 & 31807/2017,

W.P.No.29758/2017, W.P.No.29759/2017,

W.P.No.29760/2017, W.P.Nos.29761/2017 &

31817/2017, W.P.No.29762/2017,

W.P.No.29763/2017, W.P.No.29764/2017,

W.P.No.29765/2017, W.P.Nos.29766/2017 &

31867/2017, W.P.No.29767/2017,

W.P.Nos.29768/2017 & 31813/2017,

W.P.Nos.29769/2017 & 31809/2017,

W.P.No.29770/2017, W.P.No.29771/2017,

W.P.Nos.29772/2017 & 31920/2017 &

W.P.No.26376/2017 (EXCISE)

IN W.P.Nos.29751/2017 & 31818/2017

BETWEEN:

M/S. SIDDI ENTERPRISES
CL-9 EXCISE LICENSE HOLDER
M/S. FUSION LOUNGE BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.185
DEENA BUILDING, BRIGADE ROAD
BENGALURU-560001
REP. BY ITS MANAGING PARTNER
Mr. P.M. ANANTH NARAYAN
S/O LATE MANIKYA PRABHU
AGED ABOUT 46 YEARS.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV., A/W
SRI. MANJUNATH M.R. AND SRI. SANGANNA R, ADVS.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA

Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.

5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & A1 RESPECTIVELY & ETC.,

IN W.P.No.27627/2017

BETWEEN:

SRI. Y.R. MANOHAR
S/O R.K. KANCHAN

4/102

AGED ABOUT 67 YEARS
PROPRIETOR OF M/s. BRIGADE GARDENS
No.48/2, 2ND FLOOR, BRIGADE ROAD
BANGALORE-560 001.

...PETITIONER

(BY SRI. C.S. PRASANNA KUMAR, FOR
M/S. KUMAR & KUMAR, ADVS.,)

AND:

1. STATE OF KARNATAKA
VIDHANA SOUDA
VIDHANA VIDDI
REP. BY CHIEF SECRETARY.
2. COMMISSIONER EXCISE
BANGALORE DISTRICT EAST
BANGALORE-560 002.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH ANNEX-C,
DTD.22-06-2017, ISSUED BY THE R-2 VIDE ANNEX-C. ISSUE
APPROPRIATE ORDERS TO RENEW THE LICENSE TO THE
PETITIONER, IF NOT FOUND OTHERWISE UNFIT & ETC.,

IN W.P.No.28953/2017

BETWEEN:

M/S. COMMUNITY INDIA HOSPITALITY
AND RESORTS PVT. LTD.
No.67 AND 67/1, BRIGADE SOLITAIRE
BENGALURU-560 025
REP. BY ITS MANAGING DIRECTOR
BOBBY ANTONY.

...PETITIONER

(BY SRI. SAIBY JOSE KIDANGOOR, ADV., FOR
SRI. BENNY ANTONY PAREL, ADVS.,)

AND:

1. STATE OF KARNATAKA
REP. BY THE SECRETARY
EXCISE DEPARTMENT
VIDHANA SOUDHA
BENGALURU-560 001.
 2. THE EXCISE COMMISSIONER
BENGALURU
OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE COMMISSIONERATE
P.B.No.5400, CENTRAL REVENUE BUILDING
QUEENS ROAD, BENGALURU-560 001.
 3. DEPUTY COMMISSIONER OF EXCISE
CENTRAL ZONE, BENGALURU
OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE COMMISSIONERATE
P.B.No.5400, CENTRAL REVENUE BUILDING
QUEENS ROAD, BENGALURU-560 001.
 4. THE PROJECT DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT
RAMANAGARA, KARNATAKA 562128.
- ...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R3
SRI. R.V. NAIK, ADV., FOR R4)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING TO, DIRECT THE
RESPONDENTS TO RENEW THE CL-9 (ANNEXURE-A) ISSUED IN
FAVOUR OF THE PETITIONER & ETC.,

IN W.P.No.28954/2017

BETWEEN:

FENNYS INDIA PVT. LTD.,
3RD FLOOR, No.115, 80 FEET ROAD
7TH BLOCK, KORAMANGALA INDUSTRIAL AREA

6/102

WARD No.67, (OPP: RAHEJA ARCHADE)
BANGALURU-560 095
REP. BY ITS MANAGING DIRECTOR
BOBBY ANTONY.

...PETITIONER

(BY SRI. SAIBY JOSE KIDANGOOR, ADV., FOR
SRI. BENNY ANTONY PAREL, ADVS.,)

AND:

1. STATE OF KARNATAKA
REP. BY THE SECRETARY
EXCISE DEPARTMENT
VIDHANA SOUDHA
BENGALURU-560 001.
2. THE EXCISE COMMISSIONER
BENGALURU
OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE COMMISSIONERATE
P.B.No.5400, CENTRAL REVENUE BUILDING
QUEENS ROAD, BENGALURU-560 001.
5. DEPUTY COMMISSIONER OF EXCISE
CENTRAL ZONE, BENGALURU
OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE COMMISSIONERATE
P.B.No.5400, CENTRAL REVENUE BUILDING
QUEENS ROAD, BENGALURU-560 001.
6. THE PROJECT DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT
RAMANAGARA, KARNATAKA 562128.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R3
SRI. R.V. NAIK, ADV., FOR R4)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING TO, DIRECT THE
RESPONDENTS TO RENEW THE CL-9 LICENSE No.EXE-

BN(S)BA/GU/VA/CL-9/10/2016-17 (ANNX-A) ISSUED IN
FAVOUR OF THE PETITIONER & ETC.,

IN W.P.No.29752/2017

BETWEEN:

SRI. M.C. NARAYAN
S/O CHINNIAH
AGED ABOUT 63 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. SOCIAL BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT
No.118, 7TH BLOCK, KORAMNGALA INDUSTRIAL
LAYOUT, BENGALURU-560 095.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU SOUTH
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA

Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.

5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.29-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29754/2017

BETWEEN:

SRI. SRIKANTH UPADHYAY
S/O BIJAY KUMAR UPADHAYAY

AGED ABOUT 46 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. BLACK PEARL BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.105
1ST, 2ND, 3RD AND 4TH FLOOR, 1ST A CROSS
KORAMANGALA INDUSTRIAL AREA
JYOTHI NIVAS COLLEGE ROAD
5TH BLOCK KORAMANGALA
BENGALURU-560095.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU SOUTH
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.

10/102

6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT -
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6,
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

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COMMUNICATION DTD.29-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.Nos.29755/2017 & 31811/2017

BETWEEN:

SMT. ALKA AGARWAL
W/O LATE ARUN AGARWAL
AGED ABOUT 45 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. THE PERMIT ROOM BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.16/3
RAMKUNJ, COMMISSIONERATE ROAD
RICHMOND TOWN, BENGALURU-560 001.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.

12/102

8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
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COMMUNICATIONS DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & A1 & ETC.,

IN W.P.Nos.29756/2017 & 31816/2017

BETWEEN:

SRI. V. PRABHAKAR
S/O LATE D. VENKATESULU NAIDU
AGED ABOUT 58 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. EASY TIGER BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.11A
GROUND AND FIRST FLOOR, CHURCH STREET
BENGALURU-560 001.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT

13/102

2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.

3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

14/102

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COMMUNICATIONS DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & A1 & ETC.,

IN W.P.Nos.29757/2017 & 31807/2017

BETWEEN:

SRI. MAHADEVAYYA
S/O LATE DASE GOWDRU
AGED ABOUT 56 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. TOAST AND TONIC BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.14/1
WOOD STREET, RICHMOND TOWN
BENGALURU-560 025.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,

15/102

PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.

5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATIONS DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & A1 RESPECTIVELY & ETC.,

IN W.P.No.29758/2017

BETWEEN:

DIRECTOR
M/S. OLIVE BAR AND KITCHEN PVT LTD

16/102

CL-9 EXCISE LICENSE HOLDER
M/S. OLIVE BEACH BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.16
WOOD STREET ROAD, BENGALURU-560 025
REP. BY Mr. ANUPAM MAYEKAR
S/O R.P. MAYEKAR
AGED ABOUT 55 YEARS. ...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.

17/102

6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT -
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29759/2017

BETWEEN:

SRI. C. GOVINDARAJU
S/O CHIKKARANGAIAH
AGED ABOUT 45 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. TOSCANO BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.201
2ND FLOOR, FORUM MALL, No.21
KORAMANGALA, HOSUR ROAD, BENGALURU-560 095.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU SOUTH
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.

19/102

8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

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COMMUNICATION DTD.29-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29760/2017

BETWEEN:

Mr. K.V. KUPPA RAJU
S/O VENKATASWAMY RAJU
AGED ABOUT 64 YEARS
CL-7 EXCISE LICENSE HOLDER
HOTEL HYAGREEVA (CHANCERY HOTEL)
HAVING PLACE OF BUSINESS AT
No.10/6, LAVELLE ROAD, BENGALURU-560 001.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR

20/102

BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.

3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

21/102

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COMMUNICATION DTD.29-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.Nos.29761/2017 & 31817/2017

BETWEEN:

M/S. SIDDI LEASERS LIFE STYLE PVT. LTD.,
CL-9 EXCISE LICENSE HOLDER
M/S. LE ROCK BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.03
SWADESHI TOWER, REST HOUSE ROAD
BENGALURU-560 001.
REPRESENTED BY ITS MANAGING DIRECTOR
Mr. M. ANIL KUMAR S/O M. NAGARAJ
AGED ABOUT 47 YEARS ...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.

22/102

4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
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COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & A1 RESPECTIVELY ETC.,

23/102

IN W.P.No.29762/2017

BETWEEN:

SRI. RAJESH RAJARAM
S/O V.K. RAJARAM
AGED ABOUT 53 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. 13TH FLOOR BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.84
13TH FLOOR, BARTON CENTER
M.G.ROAD, BENGALURU-560 001.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.

24/102

5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

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CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29763/2017

BETWEEN:

SRI. ASHUTOSH TRIPATHY
S/O JANARDAN TRIPATHY
AGED ABOUT 41 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. CAFÉ FELIX BAR AND RESTAURANT

25/102

HAVING ITS PLACE OF BUSINESS AT
No.1/2-1, SHOP No.06, 5TH FLOOR
1MG MALL, S.V. ROAD, TRINITY CIRCLE
ULSOOR, BENGALURU-560 008.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET

26/102

NEW DELHI-110 001
REP. BY ITS SECRETARY.

7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29764/2017

BETWEEN:

M/S. COSMOS SPA LOUNGES PVT LTD,
CL-9 EXCISE LICENSE HOLDER
M/S. 303 BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.303
GROUND AND FIRST FLOOR, BINNAMANGALA
1ST STAGE, 100 FT. ROAD, INDIRANAGAR
BENGALURU-560 001
REP. BY ITS MANAGING
Mr. SHRIKANTH M S/O MAHALINGAN
AGED ABOUT 30 YEARS.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

27/102

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.

28/102

8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.21-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29765/2017

BETWEEN:

SRI. M. PUTTASWAMY
S/O SRI. MUDDIAH
AGED ABOUT 85 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. PUNJABI GRILL BAR AND
RESTAURANT
HAVING PLACE OF BUSINESS AT
No.1, S.J.R. PRIUS, 7TH BLOCK
KORAMNGALA INDUSTRIAL LAYOUT
BENGALURU-560 095.

...PETITIONER

(BY SRI. SAJAN POOVAYYA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.

29/102

2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU SOUTH
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5

30/102

SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.29-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.Nos.29766/2017 & 31867/2017

BETWEEN:

SRI. SANJAY LALU TARACHAND MEHTANI
S/O LALCHAND TARACHAND HATHANI
AGED ABOUT 52 YEARS
CL-9 EXCISE LICENSE HOLDER
AND EXECUTIVE DIRECTOR
M/S. HARD ROCK CAFÉ BAR AND
RESTAURANT
HAVING PLACE OF BUSINESS AT No.40
ST. MARKS ROAD, BENGALURU-560001.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.

31/102

3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO, QUASH THE

32/102

COMMUNICATION DTD.22-6-2017 & 23-6-2017, MADE BY THE
R-3 VIDE ANNEX-A & A1 RESPECTIVELY ETC.,

IN W.P.No.29767/2017

BETWEEN:

THE MANAGING DIRECTOR
M/S. KOSHY'S PVT LTD
CL-9 EXCISE LICENSE HOLDER
M/S. KOSHY'S BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.39
ST. MARK'S ROAD, BENGALURU-560001
REP. BY Mr. P. OOMMEN MATHEW
S/O LATE P. KOSHY OOMMEN
AGED ABOUT 56 YEARS.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA

33/102

Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.

5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.Nos.29768/2017 & 31813/2017

BETWEEN:

SRI. G.R. GANESH
S/O F.J. PERES

34/102

AGED ABOUT 52 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. SIROCCO BAR AND RESTAURANT
HAVING ITS PLACE OF BUSINESS AT
No.8/6, HALASURU ROAD, BENGALURU-560008.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN

35/102

No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.

7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.Nos.29769/2017 & 31809/2017

BETWEEN:

SMT. K.R. SUDHAMANI
W/O C.N. MOHAN
AGED ABOUT 56 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. 3 DOTS AND A DASH BAR
AND RESTAURANT
HAVING PLACE OF BUSINESS AT
No.840/1, BINNAMANGALA
100 FT. ROAD, 1ST STAGE, HOYSALA NAGAR
BENGALURU-560 038.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.

37/102

8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.21-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & A1 RESPECTIVELY & ETC.,

IN W.P.No.29770/2017

BETWEEN:

SRI. UMESH SHETTY
S/O VITTAL SHETTY
AGED ABOUT 45 YEARS
CL-9 EXCISE LICENSE HOLDER
M/S. SOCIAL BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.31/1
CASTEL STREET, BENGALURU-560001.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT

38/102

2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.

3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

39/102

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.23-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29771/2017

BETWEEN:

MANAGING DIRECTOR
M/S JEWELS INDIA HOTELS PVT LTD
CL-9 EXCISE LICENSE HOLDER
M/S. TANDOOR BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.28
M.G. ROAD, BENGALURU-560001
REP. BY ITS EXECUTIVE DIRECTOR
Mr. RAAJ SINGH S/O LATE B.P. SINGH
AGED ABOUT 57 YEARS. ...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA, Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,

40/102

PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.

5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.
6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.23-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & ETC.,

IN W.P.No.29772/2017 & 31920/2017

BETWEEN:

M/S. S-3 LUXURY ENTERTAINMENT
CL-9 EXCISE LICENSE HOLDER

41/102

M/S. CITI BAR AND RESTAURANT
HAVING PLACE OF BUSINESS AT No.86
M.G. ROAD, BENGALURU-560001
REP. BY ITS DIRECTOR FOR RSP GOURMENT
FOODS PVT LTD.
Mr. SIDDHARATH POOJARI
S/O Mr. SURESH SUBBA POOJARI
AGED ABOUT 40 YEARS.

...PETITIONER

(BY SRI. UDAYA HOLLA, SR. COUNSEL FOR
SRI. BHARATH KUMAR V, ADV.,)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF EXCISE
VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001
REP. BY ITS ADDL. CHIEF SECRETARY.
2. COMMISSIONER OF EXCISE
BENGALURU DISTRICT
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGAR, BENGALURU-560 027.
3. DEPUTY COMMISSIONER OF EXCISE
BENGALURU EAST
2ND FLOOR, SHANTHI NAGAR
BUS DEPOT, K.H. ROAD
SHANTHI NAGR, BENGALURU-560 027.
4. ADDL. CHIEF SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
Dr. AMBEDKAR VEEDHI
BENGALURU-560 001.
5. UNDER SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS & IWT, VIKASA SOUDHA
BENGALURU-560 001.

42/102

6. UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS TRANSPORT BHAVAN
No.1, PARLIAMENT STREET
NEW DELHI-110 001
REP. BY ITS SECRETARY.
7. NATIONAL HIGHWAY AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT –
RAMANAGAR, BASAVANAPURA (RAMADEVARAPADA)
RAMANAGARA-562 128
REP. BY ITS PROJECT DIRECTOR.
8. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R. SQUARE, BENGALURU-560 002
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(BY SRI. A.S. PONNANNA, ADDL. ADVOCATE GENERAL
ALONG WITH SRI. A.M. SURESH REDDY, AGA FOR R1 TO R5
SRI. PRABHULING K. NAVADGI, ADDL. SOLICITOR GENERAL
A/W SRI. H. JAYAKARA SHETTY, ADV., R6
SRI. R.V. NAIK, ADV., FOR R7
SRI. Dr. R. RAMACHANDRAN, ADV., FOR R8)

THESE W.Ps. ARE FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO, QUASH THE
COMMUNICATION DTD.22-6-2017, MADE BY THE R-3 VIDE
ANNEX-A & A1 RESPECTIVELY & ETC.,

IN W.P.NO.26376/2017

BETWEEN:

MR. NARAYAN P M
S/O SRI SUBBA POOJARY,
AGED ABOUT 61 YEARS,
SWETHA WINE YARD,
MOODABIDRI-574 227
MANGALURU TALUK.

... PETITIONER

(BY SRI. CHANDRANATH ARIGA K, ADV.,)

43/102

AND:

1. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA
MANGALURU-575 001.
2. THE DEPUTY COMMISSIONER OF EXCISE
DAKSHINA KANNADA DISTRICT
MANGALURU-575 001.
3. NATIONAL HIGHWAYS AUTHORITY OF INDIA
DGM (T) PROJECT DIRECTOR,
CHITRADURGA-577 502.

... RESPONDENTS

(BY SRI A S PONNNANNA, ADDL. ADV. GENERAL
A/W SRI A M SURESH REDDY, AGA FOR R1 AND R2
SRI R V NAIK, ADV. FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE
RESPONDENT TO RENEW THE LICENCE OF THE PETITIONER;
QUASH THE ANNEX-F DATED 15.3.2017 ISSUED BY R-2 & ETC.,

THESE WRIT PETITIONS HAVING BEEN RESERVED FOR
ORDERS ON 18/08/2017, COMING ON FOR
PRONOUNCEMENT, THIS DAY, *DR.VINEET KOTHARI J.*, MADE
THE FOLLOWING:

ORDER

Mr.Udaya Holla & Mr.Sajan Poovayya, Senior Counsels for
Mr.V.Bharath Kumar,
Mr.Saiby Jose Kidangoor, Adv. for Mr. Benny Antony Parel
& Ms. K. Veena,
Mr.C.S.Prasanna Kumar,
Advocates for Petitioners
Mr.A.S.Ponnanna, Addl.Advocate General with
Mr.A.M.Suresh Reddy, AGA for State of Karnataka & Others
Mr.Prabhuling K.Navadgi, Addl.Solicitor General with
Mr.H.Jayakar Shetty, Adv. for Union of India
Mr.R.V.Naik, Adv. for National Highway Authority of India
Dr.R.Ramachandran, Adv. for BBMP

1. M/s. Siddi Enterprises, a CL-9 Excise licence holder and other petitioners also seeking their renewal of Excise licences from the Respondent-Excise Department of the State of Karnataka having their liquor vending shops at Brigade Road and M.G.Road, and other urban roads in the city of Bengaluru, which fall on NH-4 & NH-7, have filed these writ petitions seeking a direction to the Respondent-State to consider their applications for renewal of Excise licences, which the Respondent-State has refused to do, in view of the directions of the Hon'ble Supreme Court in *State of Tamil Nadu vs. K.Balu* decided on 15.12.2016 as the shops falling within the restricted limits of 500 metres from the edge of the State Highways or National Highways.

2. The following interim orders were passed in the present matters after hearing both the parties on 27.07.2017 and 03.08.2017:-

Order dated 27.07.2017:-

“Learned counsel for the Union of India has filed a memo in the Court today along with certain documents including the latest communication dated 25.07.2017 issued by the Ministry of Road Transport & Highways (Planning Zone) of the Government of India addressed to the Additional Chief Secretary to Government, Public Works, Ports & IWT Department, Bengaluru, raising certain requirements and directing certain information and the documents to be furnished by the State Government to the said Ministry for the purpose of considering the case for denotifying different sections of NH-4 and NH 7 passing through the municipal and city limits of the city of Bengaluru.

Learned Additional Advocate General Mr. Ponnanna submits that the State has otherwise not received the said communication dated 25.07.2017, but a copy of the memo along with the said order has been supplied to him and, therefore, the State will take suitable action and steps to furnish the required information to the Ministry of Road Transport & Highways (Planning Zone), Delhi, expeditiously.

Learned counsel for the petitioners, on the other hand, are directed to furnish the copies of all the orders passed by the Hon’ble Supreme

Court with regard to consideration of these cases after the judgment passed by the Supreme Court in the case The State of Tamilnadu rep. by its Secretary, Home Prohibition & Excise Department and others vs. K. Balu and another in Civil Appeal Nos.12164-12166 of 2016 and allied matters decided on 15.12.2016.

List these matters again on 03.08.2017 at the request of learned counsels for the parties.

Order dated 03.08.2017:-

1. *The learned Addl. Advocate General Mr.A.S.Ponnanna has submitted a memo in the Court today, along with the copy of the Communication dated 31.07.2017 sent by the Addl.Chief Secretary of Government of Karnataka to the Secretary to Government of India, Ministry of Road Transport and Highways, New Delhi, giving requisite information and undertaking to the said Ministry of Road Transport and Highways that the stretches of NH-4 and NH-7, which are requested to be denotified in view of the construction of bypass in the form of NH-207 and others, these stretches of the NH-4 & NH-7, passing through the Municipal limits like M.G.Road in Bengaluru and on which the present*

*Excise licencees are seeking the renewal of their
Excise licences may be denotified.*

2. A copy of the said communication dated 31.07.2017 sent by the State Government to the Central Ministry of Road Transport and Highways, has been handed over to the learned Addl.Solicitor General appearing for Union of India, who has submitted before the Court that an expeditious consideration of the said representation of the State along with the information and Undertaking supplied by them will be undertaken by the said Ministry and they would submit their response before the Court as early as possible and he prays for a period of two weeks of time for the said purpose.

3. On the other hand, the learned Senior Counsels for petitioners Mr.Udaya Holla & Mr.Sajan Poovayya and other learned counsels for the petitioners-licencees have vehemently submitted and laid a great emphasis that awaiting the de-notification of the said stretches of NH-4 & NH-7 passing through city of Bengaluru, the Respondents-Excise Department of the State Government should be directed to consider the case for the renewal of their Excise licences awaiting such de-notification of NH-4 & NH-7 and they have placed a strong reliance on

the judgments of the Gauhati High Court in the case of Md.Zakir Hussain vs.State of Assam & Ors, reported in (2003) 3 GLR 324 and the judgment of the Rajasthan High Court in the case of Mahendra Pal vs. Union of India in Civil Writ (CW) Nos.4675, 5682, 5684 & 5774/2015 decided by the learned Single Judge on 26.09.2016, in which, certain observations have been made by the respective learned Single Judges that if a de facto bypass exists for the notified National Highways, such part of the National Highways passing through municipal areas of the cities, automatically vests in the State Government/Municipal Corporations and there is no need for the Central Government to issue such de-notification for such stretches of the National Highways passing through the areas of Municipal Corporations.

4. However, this contention has been refuted and opposed by the learned counsels appearing for the State and Union of India and they have brought to the notice of the Court the provisions of Section 4 of the National Highways Act, 1956, and they have submitted that all National Highways vest in the Union of India and unless they are de-notified by the Central Government, for which the power vests in the

Central Government under Section 2 of the said National Highways Act, 1956, by merely drawing any inference for such de facto bypass of National Highways, the Respondent-Excise Department of the State cannot be directed at this stage to consider the renewal of the licences at this stage. The said contention of the petitioners is therefore kept open to be argued at the time of the final hearing of the present writ petitions.

5. Besides this, the learned Senior counsels for the petitioners have also submitted before the Court that not only the Excise licencees are suffering financial loss because of the non-renewal of their licences, but their employees-workmen who are poor people and daily wagers, in the absence of the continuation of the business, are suffering a lot and therefore, there is an urgent need for the Respondents to undertake a formal exercise of de-notification of NH-4 & NH-7 in question to the given extent, paving the way for consideration of the renewal applications expeditiously.

6. In these circumstances, this Court would firstly direct the State Government to furnish the formal Undertaking as stipulated in clause-(vi) of their reply/communication dated 31.07.2017 addressed to the Secretary of Government of

India, Ministry of Road Transport and Highways, for which, they have expressed their readiness and willingness to give such Undertaking, that all such NH stretches proposed for de-notification, shall be developed and maintained as per NH standards and shall be kept in traffic-worthy condition by State Government/its local bodies for the commuters after ensuring the release of adequate grant of Rs.8 lakhs per K.M. from the State Government in favour of local bodies, in case such NH stretches are denotified by the Central Government. Such formal undertaking may be immediately furnished to the Central Government and copy of the same may also be placed on record of this Court to avoid any further delay for this reason on the part of the Central Government to consider such denotification process under Section 2 of the National Highways Act, 1956.

7. The Court also expresses its sanguine hope that the Central Government will expeditiously undertake the exercise of necessary verification of the information supplied by the State Government and take a decision for issuing requisite Notifications under Section 2 of the Act, before the next date.

*Put up the matter again on 17.08.2017,
as prayed”.*

3. In pursuance of the aforesaid directions, the Respondent-Union of India upon consideration of the representation of the State Government to denotify the part of the said NH-4 & NH-7 (old No.44) in exercise of its power under Section 2(3) of the National Highways Act, 1956, passed the final order on 14.08.2017 and quoting the relevant portions of the orders passed by the Hon'ble Supreme Court, negated the said request of the State Government in the following terms. The order dated 14.08.2017 passed by the Director (P&B) of Ministry of Road and Transport and Highways, Transport Bhawan, New Delhi, as conveyed to the Addl.Chief Secretary of the State Government, Public Works, Ports and IVVT Department, Bangalore, is also quoted below for ready reference:-

*“No.NH-15017/77/2017-P&M
Government of India
Ministry of Road Transport &Highways
Transport Bhawan,*

52/102

1, Parliament Street,
New-Delhi, dated, the 14th August, 2017

To

*The Additional Chief Secretary to Government,
Public Works, Ports & IVVT Department,
Bangalore.*

*Subject:- Request for
denotification/omission of
different sections of National
Highways passing through the
city/town limits in the
Karnataka state from National
Highway (NH)-Reg.*

References:

- (i) State Government of Karnataka letter No. PWD/113/CNH/2017 dated 15.06.2017*
- (ii) Ministry's letter of even number dated 24.07.2017.*
- (iii) Ministry's letter of even number dated 25.07.2017.*
- (iv) Ministry's letter of even number dated 26.07.2017, enclosing copy of letter dated 22.06.2017 from President, Hotel Association of India.*
- (v) State Government of Karnataka letter No.PWD/113/CNH/2017 dated 31.07.2017.*
- (vi) CE (NH), PWD, State Government of Karnataka letter No.CNH/TA-2/AE-1/Road safety/NH/2017-18/2188, dated 07.08.2017.*
- (vii) CE (NH), PWD, State Government of Karnataka certificate No.CNH/TA-2/AE-1/ Road safety/NH/2017-18, dated 08.08.2017.*
- (viii) The Chairperson and Managing Director, The Lalit, letter No. NIL dated 22.06.2017 (copy of which was enclosed, inter-alia, with letter under ref. (iii) above)*

Sir,

I am directed to refer to your proposal vide letter under ref. (i) dated 15.07.2017, subsequent clarifications vide ref. (v) dated 31.07.2017, information received from CE(NH), Karnataka State PWD (ref.(vi) & (vii)) on the above mentioned subject and convey the following.

It is pertinent to mention that the State Government's request vide letter vide ref.(i) has been received by the Ministry after the Order dated 15.12.2016 passed by the Hon'ble Supreme Court of India Under Civil Appeal Nos. 12164-12166 of 2016.

The Ministry has been receiving representations from various private stakeholders like hotels associations, hospitality industry etc. adversely affected by the above orders of the Hon'ble Supreme Court, Two such specific representations have been received by the Ministry from the Chairperson and Managing Director, The Lalit (ref.(vii) on behalf of 10 nos. Hotels located along NHs in Bengaluru city, and from the President, Hotel Association of India (enclosure to ref. (iv)). Both of these letters also make a reference to the proposal of the State

Government of Karnataka, forwarded to the Ministry vide ref. (i), dated 15.06.2017 requesting for early favourable consideration of the proposal.

The proposal of the State Government vide ref.(i), read with the representations vide ref.(vii) and enclosures to ref.(iv) indicate that the proposal of the State Government of Karnataka is primarily driven by the concerns of the hospitality Industry (consequent upon the order dated 15.12.2016 of Hon'ble Supreme Court of India) so that the effect of the order, more particularly its directions contained in para 24 (ii), is abated through denotification of the NHs passing through the selected city/town limits in the State and specifically in Bangalore City.

The Hon'ble Supreme Court of India has passed the order and issued relevant direction under Article 142 of the Constitution. The relevant excerpts of the operating part of the order are reproduced as under:-

Para 24(i) of the Order – “All states and union territories shall forthwith cease and desist from granting licenses for the sale of liquor along national and state highways;”

Para 24(ii) of the Order – “The prohibition contained in (i) above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;”

Para 24(v) of the Order – “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 metres of the outer edge of the national or state highway or of a service lane along the highway.”

Reference is also drawn to para 5 of main part of the order (page-5) wherein the Hon’ble Supreme Court of India has observed that -

“... The National Road Safety Council (NRSC) is an Apex Body for Road Safety established under Section 215 of the motor Vehicle act, 1988. NRSC unanimously agreed in a meeting which was held nearly thirteen years ago on the 15 January 2004 that licences for liquor shops should not be given along the national

highways. The Ministry of Road Transport and Highways (MoR&T&H) issued a circular to all the state governments advising them to remove liquor shops situated along national highways and not to issue fresh licenses. Since 26 October 2007, when an advisory was issued, MoRT&H has consistently advised all the State Governments to remove liquor shops and not to issue fresh licenses to liquor vends along national highways.”

In para 14 of main part of the order (page 12) of the Hon’ble Supreme Court of India, it is stated that -

“...Where a national or state highway passes through a city, town or through the area of jurisdiction of a local authority, it would completely deny sense and logic to allow the sale of liquor along that stretch of the highway. Such an exclusion would defeat the policy....”

In para 22 of its order dated 15.12.2016, the Hon’ble Supreme Court of India has observed as under:

“...We have come to the conclusion that no licences for liquor shops should be allowed

57/102

both on the national and state highways. Moreover, in order to ensure that this provision is not defeated by the adoption of subterfuge, it would be necessary to direct that no exception can be carved out for the grant of liquor licences in respect of those stretches of the national or state highways which pass through the limits of any municipality corporation, city, town or local authority....”

The Ministry, vide letter dated 24.07.2017 vide ref.(ii) had referred to the application filed before the Hon’ble Supreme Court of India on the issue by an NGO. It has been ascertained from the website of Hon’ble Supreme Court of India that the application no.10243 of 2017 (filed by NGO – Arrive Safe society of Chandigarh versus the Union Territory of Chandigarh) has been disposed off as ‘dismissed’ by the Hon’ble Supreme Court of India on 11.07.2017.

3. Keeping in view the aforementioned orders of the Hon’ble Supreme Court, which have not been reviewed or modified by any subsequent order till date, the Ministry is constrained to observe that it is not in a position to consider

the proposals of the State Government for de-notification of the NHs at this stage.

4. Technical examination of the proposal of the State Government and feasibility thereof:-

The proposal of the State Government of Karnataka vide its letter under ref.(i) dated 15.06.2017 has also been duly considered in the light of the subsequent clarifications vide ref.no.(v) dated 31.07.2017, Information obtained from CE (NH), PWD, Karnataka vide ref. (vi) dated 07.08.2017, ref(vii) dated 08.08.2017 mentioned above and the details provided by the Regional Officer (Bengaluru), M/o RT&H and the Regional Officer (Bengaluru), NHAI. Following observations are made upon detailed technical examination of the proposal:-

(i) The contention of the State Government vide ref.(v) that NH-207 is acting as a bypass to NH-4, NH-7 (as mentioned in State Government letter dated 31.07.2017) does not appear to be correct as any traffic required to move from NH-4 or

NH-7 to other NHs (viz, NH-209, NH-275) cannot use NH-207 to move on to such NHs and has to essentially commute through the Bengaluru city.

(ii) The State Government has further conveyed that the state road (NICE road) connecting NH-7, NH-4, NH-209, NH-275 has been developed as 4-laned carriageway and may be considered as bypass on South East side of Bangalore. It is learnt that this state road is developed on BOT mode by the State Government and the Concession period is up to 2021. It is difficult to consider the same as a bypass to the NH.

(ii) Inconsistencies have also been observed in the details of chainages within Bangalore City Limits in respect of NH-4 from km 315.60 to km 331.40, mentioned in the certification vide ref.(vii) of CE(NH), State PWD, as there is an ongoing BOT concession of NHAI between km 237.70 to km 318.00 on NH-4.

(iii) The Chief Engineer (NH), State PWD vide letter under ref.(vii) has furnished a certificate that the last work sanctioned by the ministry for Improvement of Riding Quality (IRQP) in stretches from Km 319.680 to

320.455 & Km 320.700 to 321.500 of NH-4 was completed in June, 2010 and that the development and maintenance of the NH stretches in Bengaluru city limits is being carried out by the State Government funded by the local authorities (BBMP) since June, 2010. However, this is not in sync with CE(NH), State PWD letter under ref.(vi), dated 07.08.2017, inter-alia mentioning that no expenditure had been incurred under this Ministry's grant for maintenance of NHs in City limits of Bangalore since the year 2009. Further, there is no mention of the amount of investments made by the State Government/BBMP on such NHs certified by CE(NH) for their development and maintenance and nature of works undertaken. In any case, this cannot be considered as reason enough for favourable consideration of denotification of the NHs.

(iv) As the State Government would be aware, there are 5 nos. of ongoing BOT Concessions of NHAI on NH-4 and NH-7 in the vicinity of the Bengaluru City. The details of these projects, the chainages of elevated stretches pertinent to the proposal of the State Government and the duration of the

Concession Period of these projects are as follows:-

Sr. No.	Project Name	NH No.	Elevated highways (chainage in km)	Concession Period Upto
1	Four laning of Bangalore to Nelamanagala Section of NH-4 from Km 10+000 to Km 29+500	4	10.15 to 14.50	December 2021
2	Four laning of Nelamangala - Tumkur section from Km.29.50 to Km.62.00 of NH-48 (Old NH-4)	4		June 2021
3	Upgradation, Operation and Maintenance of Km.534.720 to Km.556.840 of Hyderabad and Bangalore section of NH-7 in Karnataka NHDP Phase VII (Package No.NS-2/BOT/KNT-2)	7	551.267 to 555.318	April 2031
4	Four laning of Bangalore-Hoskote-Mulbagal section of NH-4 KM.237/700 to KM.318/000	4		January 2028
5	Construction of Elevated Highway from Silk Board Junction to Electronic City from Km 8/765 to Km 18/750 and 6 laning of Highway i.e. 18/750 to 33/130 of Bangalore-Hosur section of NH-7	7	9.50 to 18.35	July 2026

The proposal of the State Government of Karnataka for denotifying 17.25 km length of the Service roads of NHs on either side of the elevated NHs developed on BOT projects cannot

be favorably considered as service roads are part of National Highways.

(vi) The State Government has proposed denotification of 147 isolated stretches of NHs of about 609.65 km total length. As per the detailed map forwarded by CE(NH) State PWD vide ref. (vi), dated 07.08.2017, these isolated stretches are scattered across the NH network passing through the State of Karnataka. Copy of the map is enclosed in this context. It has been ascertained that construction of bypasses have not been completed/commissioned for any of these stretches of NHs. Therefore, none of these NH stretches qualify for “deemed denotification” as NH stretches at this stage as per the Ministry’s extant policy.

(vii) Further, favourable consideration of proposal for denotifying such NH stretches of 609.65 km total length at this stage would tantamount to permitting isolated discontinuities in NH corridors scattered over the NH network within the State; this would not serve the very objective of having continuous well developed and maintained

63/102

NH corridors offering uninterrupted and seamless movement of long distance through traffic, offering safe and comfortable journey. Therefore, responsibility for the development and maintenance of such NH stretches need to be essentially continued to be vested with the Central Government.

In view of the above, it has not been found feasible to favourably consider the proposal of the State Government to denotify the isolated NH stretches of 609.65 km aggregate length.

5. *This issues with the approval of Secretary (RT&H).*

Yours faithfully,

*(Maya Prakash)
Director (P&B)
Tel.No.011-23710454*

Copy to:-

- (i) The Chairman, NHAI, Dwarka, New Delhi.*
- (ii) The Chief Engineer (P-6), M/o RT&H*
- (iii) The Regional Officer (Bengaluru), M/o RT&H,*
- (iv) The Regional Officer (Bengaluru), NHAI, Bengaluru*

*Copy for information and necessary action to:-
Shri H Jayakara Shetty, Central Government
Standing Counsel, Bengaluru w.r.t. WPNo. 29751 of
2017”.*

4. The said batch of cases were heard finally by this Court today.

5. The learned counsels for the petitioners led by Mr.Udaya Holla, Senior counsel, Mr.Sajan Poovayya, Senior counsel and Mr.Saiby Jose Kidangoor etc., have made the following submissions before this Court that;

(i) the aforesaid portion of NH-4, NH-7 passing through the City limits of Bengaluru, have been *de facto* bypassed by other outer ring roads developed by the Respondent-State of Karnataka or its public bodies like B.D.A. and B.B.M.P. and therefore, *de facto*, they do not form part of the aforesaid National Highway Nos. 4 and 7 and therefore, the roads in question like M.G.Road and Brigade Road, do not fall within the scope of “National Highways” or “State Highways” and the restriction imposed by the Hon’ble Supreme Court in *State of Tamil Nadu vs. K.Balu*, does not apply to the present petitioners and the Respondent-Excise

Department can be directed to consider the applications of the petitioners for renewal of their Excise licences;

(ii) that the description of the National Highways in Schedule of the National Highways Act, 1956 are only broad description and if one point of the National Highway is connected by a bypass to another point of that Highway, then , without any Denotification of the prior covered portion of the National Highway, that portion automatically vests in the State Government or public body as in the present case, which municipal roads like M.G.Road and Brigade Road are being maintained by the public body like BBMP only. Therefore, the Central Government cannot intervene in the matter and refuse to denotify the said portions as has been done by them in the communication dated 14.08.2017. They submitted that even without any formal challenge to the said communication dated 14.08.2017 of the Ministry of Road Transport and Highways, the petitioners are entitled to a direction to

the Respondent-Excise Department for renewal of their
Excise licences;

(iii) that the Central Government in its communication Annexure-G1 dated 23.04.2015 had already indicated that the stretches of the National Highways which has been bypassed would cease to be the part of National Highway network and would no longer vest in the Government of India and the responsibility of its future improvement and maintenance lies with the respective State Government in view of Circular No.NH111/P/977 dated 30.11.1977 and 12.04.1982 and therefore, in the present cases, in view of the restriction or ban on the heavy trucks to move on the said portions of urban/municipal roads of M.G.Road and Brigade Road through the City of Bengaluru, in view of the bypasses already created, the said stretches of roads cannot be said to be belonging to the Government of India at all and therefore, there is no

need for any Denotification of these stretches by the Central Government.

(iv) Referring to Sections 2 and 4 of the National Highways Act, 1956, as also Section 81 of the Karnataka Municipalities Act, 1964 and Section 265 of the Karnataka Municipal Corporations Act, 1976, the learned counsels submitted that such roads which were in the control of the State, upon coming into force of these Municipal Laws vested in the local bodies and there is no restriction in the judgment of the Hon'ble Supreme Court on the liquor vendors existing on such municipal roads, because they no longer can be said to be the 'State Highways' or 'National Highways' and therefore, the Respondent-Excise Department should consider their applications for renewal of Excise licences.

(v) That not only the licencees/vendors are suffering huge financial losses but the State is also losing the revenue on the sale of liquor and above all,

the poor employees and workers of such vending outlets are on the verge of survival and are badly hit by loss of employment due to closure of these shops and non-renewal of the Excise licences.

The learned counsels for the petitioners relied upon the following judgments in support of their arguments:-

(i) *M.D.Zakir Hussain vs. State of Assam*
[2003 (2003 (3GLR) 324]] (*Gauhati High Court*)

(ii) *Mahendra Pal & Ors. vs. Union of India* (C.W.No.4675/2015) decided on 26.09.2016 by *Rajasthan High Court*,

(iii) *Hotel Park Residency vs. State of Kerala* in *W.P.(C).Nos.12822/2017 & connected matters*, decided on 16.05.2017 by *Kerala High Court*,

(iv) *K.Jayaprakash and Anr. Vs. State of Kerala & Ors. in W.P.(C).No.16598/2017* dated 19.05.2017 by *Kerala High Court*.

6. On the other hand, Mr.Prabhuling K.Navadagi, the learned Asst.Solicitor General appearing for the Union of India vehemently submitted that the Union of India has taken a considered decision upon the relevant facts and legal position as obtaining after the decision of the Hon'ble Supreme Court in *State of Tamil Nadu vs. K.Balu* and has found that the bypasses to the aforesaid NH-4 & NH-7 passing through the City limits of Bengaluru, are not the complete bypass and as a matter of fact, the existing roads in question on M.G.Road and Brigade Road etc., are part of National Highways right from beginning when the National Highways Act, 1956 was enacted with the Schedule and therefore, it cannot be contended that there is no role of Central Government by way of denotification for these stretches of National Highways, as claimed by the petitioners and the Central Government has taken a considered and comprehensive decision on 14.08.2017 as placed on the record of this Court and quoted above

and in view of the clear directions of the Hon'ble Supreme Court that even the National Highways and State Highways passing through the urban and municipal limits of any city in the Country, will be covered by the restrictions imposed by the Hon'ble Supreme Court of India on the Public Interest Litigation filed by the N.G.O, the Union of India cannot denotify the stretches of the National Highways and the petitioners have not even laid any challenge to the said order dated 14.08.2017 in the present writ petitions and therefore, without any pleadings to challenge that decision successfully, the petitioners are not entitled to the relief as claimed being contrary to the decision of the Hon'ble Supreme Court which is binding on all the Courts and Tribunals and Executive Authorities in the Country by virtue of Articles 141 and 144 of the Constitution of India and the Executive is expected to act in the aid of Supreme Court judgment specially

giving these directions under Article 142 of the Constitution of India.

7. The learned Addl. Advocate General Mr.A.S.Ponnanna, also submitted that the State had approached the Union of India in view of the difficulties faced by the Excise licencees for denotification, but since the Union of India has refused to do so by the said communication dated 14.08.2017, as of now, the State is not in a position to consider the applications of the Excise licencees and it is exploring the possible legal remedies which State may take in this matter.

8. Having heard the learned counsels for the parties, this Court is of the opinion that the present petitioners cannot seek any mandamus direction for consideration of their applications under the State Excise Act for renewal of their licences as of now, in the teeth of the restrictions imposed by the Hon'ble Supreme Court in its judgment in the case of *State of*

Tamil Nadu vs. K.Balu (supra), which in its specific terms, *interalia*, negatives the very same claim that the ‘State Highways’ or ‘National Highways’ even passing through the urban limits or municipal limits will be covered by that restriction. The directions as contained in paragraph-24 of the said judgment dated 15.12.2016 are quoted below for ready reference:-

“24. We accordingly hereby direct and order as follows :

(i) All States and Union Territories shall forthwith cease and desist from granting licences for the sale of liquor along National and State Highways;

(ii) The prohibition contained in (i) above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;

(iii) 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 April 2017;

(iv) All signages and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on national and state highways;

(v) 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 metres of the outer edge of the national or state highway or of a service lane along the highway.

(vi) 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.

These directions issue under Article 142 of the Constitution.

25. We dispose of the appeals and transfer petitions in the above terms. There shall be no order as to costs.

CJI (T S THAKUR)

J (Dr D Y CHANDRACHUD)

J (L NAGESWARA RAO)

New Delhi December 15, 2016".

9. Section 2 and Section 4 of the National Highways Act, 1956, are quoted below for ready reference:-

*"2. Declaration of certain highways to be national highways.-(1) Each of the highways specified in the Schedule 2(***) is hereby declared to be a national highway.*

(2) The Central Government may, by notification in the Official Gazette, declare any other highway to be a national highway and on the publication of such notification such highway shall be deemed to be specified in the Schedule.

(3) The Central Government may, by like notification, omit any highway from the Schedule

and on the publication of such notification, the highway so omitted shall cease to be national highway.

(The words "except such parts thereof as are situated within any municipal area" omitted by Act 16 of 1997, sec.2(w.e.f.24-1-1997).

4. National highways to vest in the Union.- All national highways shall vest in the Union, and for the purposes of this Act "highways" include-

(i) all lands appurtenant thereto, whether demarcated or not;

(ii) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such highways; and

(iii) all fences, trees, posts and boundary, furlong and milestones of such highways or any land appurtenant to such highways".

10. In view of these provisions, it is clear that all National Highways vests in the Central Government and it is only the Central Government, which by Notification in Official Gazette can either declare any Highway to be

National Highway or denotify and omit any Highway from the Schedule. Sub-section(1) of Section 2 declares all the National Highways as specified in the Schedule annexed to the said Act, initially, as the National Highways.

11. The aforesaid NH-4 and NH-7 which were earlier known as NH-44 including the present M.G.Road and Brigade Road etc., were definitely covered by the said Schedule at the time of commencement of the National Highways Act, 1956 itself. The non mention of these roads specifically in that Schedule does not mean that they were not part of the said National Highway. The description as given in the Schedule is only a broad description and is not in detail and point to point link of the entire National Highways for obvious reasons, as one Highway like NH-44 from Kashmir to Kanyakumari passed through several States of the Country and therefore, the detailed description of the individual

roads of any particular city could not be included in the said Schedule, but there is no dispute on the said fact in the present cases that these roads like M.G.Road and Brigade Road initially fell within the National Highways as notified in the Schedule at the time of commencing of the National Highways Act, 1956.

12. It is only on the basis of later developments, and development of bypasses as the outer ring roads that *de facto* these roads were not allowed to be used by the heavy trucks, but that does not take them away from the definition of 'National Highway' under the said Act of 1956.

13. There is no conflict between the provisions of the National Highways Act, 1956 and the provisions of the Municipal Laws like Karnataka Municipal Act, 1964 and Karnataka Municipal Corporations Act, 1976 and it is only the roads developed by the State which were in the control of the State and which were reserved by the

State would vests in the public bodies like Municipal Corporation or Councils, under these Municipal enactments. These later developed roads, which are called bypasses by the petitioners, have not been declared to be National Highways under the provisions of National Highways Act, 1956 or under Section 11 of the National Highway Authority of India Act, 1988.

14. There is no specific Notification either issued by the State Government to vest these roads in question in the public body like BBMP and therefore, their exclusion from the definition of 'National Highway' is not recognized *de jure*.

15. Therefore, there is no force in the contention raised by the learned counsel for the petitioners that even though these roads are not *de facto* part of the National Highway and they should be deemed to be municipal roads and therefore, not covered by restrictions imposed by the Hon'ble Supreme Court of

India is without any foundation in law and it does not have any merit and therefore, deserves to be rejected. The same is accordingly rejected.

16. It is equally wrong to contend that the Central Government has no role to play in the said process of notifying or denotifying any of the National Highway. No deeming provision can be invoked in such cases and the decision making process of notifying or denotifying any road as National Highway is a considered decision made on relevant facts and evidence and therefore Section 2 Notification in this regard is of utmost importance and the petitioners' contention that the said stretches of the National Highways should be taken out of the ambit of the definition of National Highways, by any deeming provision, is not a contention which can be accepted in law.

17. Moreover, it is a mixed question of fact and law, as to whether the decision like the one taken by the

Central Government on 14.08.2017, without being properly assailed and which has not been done in the present cases, such decision cannot be ignored by this Court, allowing the State Excise Department to consider the applications for renewal of the Excise licences of the petitioners, ignoring the Supreme Court decision.

18. The decisions cited by the learned counsels for the petitioners are absolutely distinguishable on facts and taken in different context.

19. The Kerala High Court decision in *Hotel Park Residency vs. State of Kerala (2017) SCC online 5007 (decided on 16.05.2017)*, proceeded on the basis of Kannur-Vengalam-Kuttipuram National Highway already denotified by National Highway Authority under Section 119 of the NHAI Act, 1988, before the decision of Hon'ble Supreme Court in *K.Balu's case*. This premise supports the case of Respondents before this Court to the extent that denotification by Central

Government would be necessary to avoid the coverage of Supreme Court decision. The relevant paragraph-5 of the said decision is quoted below for ready reference:-

“5. In the cases at hand, it is true that the Kannur-Vengalam-Kuttippuram road from 148 to 318 kms were originally notified as a National Highway by the Government of India under the powers invested with them by Section 11 of the National Highways Authority Act of India, 1988. The said notification, namely, S.O. 485 (E) dated 26.02.2010, has been produced by the petitioners in some of these writ petitions as an exhibit (Exhibit P3 in W.P.(C) Nos.16075/2017, 16076/2017, 16077/2017, 16078/2017 and 16079/2017). The effect of the said notification is, of course, to statutorily notify the said road as a National Highway and if that be so, the rigor of the directions of the Hon’ble Supreme Court would have normally applied to the case of the petitioners also. However, what is pertinent in these batch of the cases is that, by a subsequent notification, namely S.O.2061 (E) dated 14.08.2014, the Government of India, in exercise of the powers under Section 11 of the National Highways Authority Act of India, 1988, amended the earlier notification thereby expressly omitting

the Kannur-Vengalam-Kuttippuram road between 148 to 318 kms from the list of National Highways. The effect of this notification ineluctably is that this road between the stretch mentioned in the said notification ceases to be a National Highway from the date of such notification, namely 14.08.2014. The directions of the Hon'ble Supreme Court were issued on 15.12.2016. The petitioners assert, which assertion appears to be justified from the notification, that since the Kannur-Vengalam-Kuttippuram road between 148 km to 318 kms had already ceased to be a Highway at the time when the Hon'ble Supreme Court had delivered its judgment, the authorities are not justified in interdicting them from operating their shops/Bars on the strength of validly renewed licenses, since the rigor of the directions of the Hon'ble supreme Court would apply only to notified National/ state Highways.

20. In *Md.Zakir Hussain vs. State of Assam & Ors. Manu/GH/0178/2003 = (2003) 3 GLR 324*, a learned Single Judge of Gauhati High Court dealing with the question of validity of Guwahati Municipal

Corporation (Settlement of Lease & Check-gates, Parking Places and Markets etc.) Bye-laws 1997, whereby toll was imposed on such check-gates established on National Highways, which was struck down as *ultra vires* by Gauhati High Court, on the issue of abandonment or denotification of National Highways, it was held as under:-

“39. While answering the above question, it is of immense importance to note that whether a particular stretch/highway/road/passage/thoroughfare is a National Highway or not is a mixed question of fact and law and cannot be treated as mere question of fact and/or a mere question of law.

40. While dealing with the above aspect of the matter, it is also necessary to bear in mind that since after enactment of the NH Act, 1956, ground realities have changed substantially all over the country. There was a time, way back in 1956, when many of the National Highways all over the country used to pass not only through major cities in the country but also through small townships and the stretches, which were so

passing through Municipal areas stood, as defined in Section 2 of the NH Act, 1956, excluded from being National Highway; but since thereafter, link roads were made and developed all over the country-linking two different parts of the same National Highway through such link roads, which are popularly known as bypass, with a view to enabling the vehicles/persons passing over the national highway to avoid travelling through thickly populated cities/townships thereby making the flow of traffic more convenient for the persons passing through the National Highways and also for the convenience of the residents of the Municipal areas. The question, now, is as to what was/is the status of such link roads or the bypass?

41. With regard to the above, it is extremely important to note that vide letter No. NHI-40(1)/68, dated 31st January, 1969, the Government of India clarified its stand on the bypasses as follows:

"Subject: Maintenance of National Highway connection two ends of a bypass.

I am directed to refer to your letters No. 2148E/23/PWE-59/N/66, dated the 5th April, 1968 regarding maintenance of the National Highway bypasses and the abandoned portions of the Highway thus bye passed and to say that the Government of India have been advised that under Section 5 of the National Highways Act 1956, it is their responsibility to develop and maintain in proper repair all National Highways. Changes in alignment do take place occasionally and where that happens, it is responsibility of the Central Government to maintain the changes in portion of the National Highways. In the Schedule attached to the National Highway Act, the highways are described in general terms and the alignments are not specified. It does not appear to be intention of the Act that any changes in the Schedule should take place merely because of changes in alignments of portions of the National Highways automatically becomes part of the National Highways can be administratively made over to the State Government for maintenance without making any changes in the schedule to the Act or issuing any notification under Section 5 thereof."

42. By another letter No. NHI-40 (1)/68, dated 1st March, 1969, the Government of India further clarified its stand as follows :

"Subject: Maintenance of National Highways connecting the two ends of a bypass.

I am directed to refer to your letter No. 46GIE/XXIII-PWE-59N/66, dated 15th March, 1969 and to confirm that the abandoned portion of the National Highway ceases to be a part of the National Highway system and no longer vests in the Government of India. The State Government to whom the abandoned portion of the National Highway is made over are competent to transfer it to any local authority under its control."

43. Changes in the alignment of the National Highway, it is not disputed, do take place for various reasons. If the National Highway is a curved one, the same may be straightened and the curved portion of the Highway may stand abandoned. Whether such abandoned portion will continue to remain as National Highway and whether the straightened portion will not become National Highway until

the time a notification, as envisaged in the Section 2 of the NH Act, 1956, is published.

44. Interpretation of the statute has to be forward-looking and not retrograde. It may so happen that the abandoned linked portion of the National Highway may completely cease to be a highway/thoroughfare and it may even turn into a jungle. Should it be, in such a situation, claimed that since no notification under Section 2 of the NH Act, 1956, has been published to exclude the abandoned portion of the National Highway or to include the newly created linked portion of the National Highway, the abandoned portion will continue to remain as the National Highway. Such an interpretation will be far away from realities of life inasmuch as, on such an interpretation, the National Highway may exist, according to the statute, on a particular stretch, whereas in reality, it will not. Such a conclusion will be ridiculous.

45. Therefore, it logically follows that if a portion of the National Highway is abandoned, it ceases to be National Highway and the portion of the Highway, which links two disjointed portions of the same National Highway, shall be treated as the "National

Highway". The abandonment of such a portion of the National Highway is not really exclusion of the National Highway inasmuch as the National Highway will still exist. Existence of Highway is a condition precedent for enabling the Parliament to declare the Highway as a National Highway or for the Central Government to declare, by notification, the Highway as the National Highway. The word "Highway" has not been defined in the NH Act, 1956. According to the Shorter Oxford Dictionary. On Historical Principles, Vol II, 3rd Edition, "Highway means a public road open to all passengers, a high road ; esp. a mail or principal road. The ordinary or main road by land or water". Chambers Dictionary (Revised Edition 1976) shows that "Highway" means : A public road on which all have right to go ; the main or usual or course. Thus, the Highway is nothing but a principal or a main road connecting two different places. Such connection will remain existing even when a portion of the original Highway stands abandoned.

46. Though there is provision for either inclusion of a Highway within the ambit of National Highway and for exclusion thereof, there

is no provision in the NH Act, 1956, for abandonment of the original link of the National Highway. On account of by-pass or link road, the National Highway is not excluded but remains existing. Since the NH Act, 1956, is silent on this aspect, it can be filled up by executive instructions and, i.e., precisely what the Government of India has done. When the NH Act, 1956, was amended in 1997, by the National Highway Laws (Amendment) Act, 1997, one has to assume that the Parliament was aware of the Government of India's stand with regard to abandonment of the stretches of the National Highways and of various notifications/circulars issued in this regard and the Parliament must be deemed to have put its seal of approval on such circulars/notifications, etc.

47. Thus, when the bypass becomes the principal road linking one part of the National Highway with another, such a bypass is nothing but the National Highway and the portion, which is abandoned, ceases to be a part of the National Highway. Notwithstanding such a situation, since the National Highway still continues to stand and the link between the two places, joined by the

bypass, still survives, it cannot be said that the National Highway, on account of the bypass and/or abandonment of old portion of the National Highway, has ceased to exist. Assuming for the sake of argument that a part of the National Highway is eroded by water or is destroyed by any other natural calamities, but the portion of the National Highway, which has been so eroded, is linked by a new road, such a link road will make the National Highway survive, for, by the new link road, only alignment is changed and not the National Highway.

48. What, thus, crystallizes from the above discussions is that after the amendments in 1997, introduced into the NH Act, 1956, the omission of the words "except such part thereof as are situated within any Municipal area" will mean that if the National Highway passes through the Municipal area, such a Highway, notwithstanding the fact that it falls within the municipal area, will, now, be treated as National Highway, but if it has not been in use and bypass has been created, in the meanwhile, the bypass will be treated as the National Highway. In other words, such a bypass does nothing but connects two points of the same

highway. Since the National Highway still exists connecting the two places, the abandonment is really not exclusion nor is the bypass a new inclusion and, hence, a new notification, as envisaged in Section 2 of NH Act, 1956, is not really required.

49. There is no dispute before me that by the notification No. SO 464 (E), dated 26.4.2002, issued by the Ministry of Road Transport and Highways, Government of India, the National Highway 31 passing from Guwahati to Nagaon including Guwahati bypass stands entrusted, in accordance with provisions of Section 5 of the NH Act, 1956, to the National Highway Authorities. There is also no dispute that vide notification No.SO 465(E), dated 26.4.2002, issued by the Ministry concerned, Government of India, National Highway 31 from Gauhati to Nalbari-Bijni Section as well as National Highway 37 from Nagaon to Gauhati including Guwahati bypass stand entrusted to the National Highway Authorities under Section 11 of the NHAI Act, 1988. It is also not disputed that by Notification No. SO 196(E), dated 6.3.2000, the National Highway No. 37, Guwahati bypass section

stands entrusted to the National Highway Authority of India by the Central Government in exercise of their powers under Section 11 of the NHAI Act, 1988”.

Thus, the *de facto* abandonment of National Highways or new linkage created not requiring Notification under Section 2 in the light of Central Government clarification under letter dated 31.01.1963 and 01.03.1969 is no legal precedent and while the aforesaid was said about the factual and legal matrix of National Highways, in view of admitted Notification No.SO 464E dated 26.04.2002 issued under Section 11 of NHAI Act, 1988, in Gauhati, the roads in question were treated as ‘National Highway’ and encroaching powers exercised by Municipal Corporation to put up check-posts and realizing tolls on such National Highway under 1997 Bye-laws were quashed by the Court in the following terms:-

“84. A careful reading of NH Act, 1956, shows that there are two ways in which a National Highway can be declared, one of the ways being that a Highway is already in existence and the same can be declared as a National Highway in terms of Section 2 or a Highway can be, first, created by the Central Government in terms of Section 3A and, then, the same may be declared as a National Highway in terms of Section 2. Since in respect of the land, which is acquired under Section 3A, the State Government cannot enter into the same land until the time the same is declared as a National Highway, it logically follows that the status of those Highways, which are already in existence and declared as National Highways in terms of Section 2, will not alter; rather, it will remain the same. In other words, there can be no distinction between the National Highway, which is built on acquisition land and, then, declared as a National Highway and a highway, which is already in existence, is merely declared as a National Highway.

95. It also deserves to be borne in mind that Section 11 of the NHA Act, 1988,

empowers the Central Government to vest in or entrust any National Highway to the National Highway Authority. Upon such vesting, Section 6 of the NHA Act, 1988, empowers the authority not only to develop, maintain and manage such National Highway, but also to regulate and control the plying of vehicles on such National Highway so much so that it can collect fees for the services or benefits rendered under Section 7 of the NH Act. This power of collection of fees by the Central Government is clearly traceable to Entry 96 read with Entry 23 of the Union List. Here, the Authority acts as a delegatee of the Central Government, which is absolute owner of the land acquired by it under Section 3D and has the sole power as well as responsibility to build a National Highway on such acquired land.

96. Since it is the Parliament, which has the power under Entry-23 of List-I to legislate on the subject of National Highway and it makes clear in the NH Act, 1956, that on declaration of a highway as National Highway, the said National Highway vests in the Union, there can be no dispute that this vesting is absolute in nature inasmuch as this vesting is for the purpose

indicated by Section 3A, namely, building, maintenance, management and operation of the National Highways.

97. However, irrespective of the fact whether vesting of National Highways in the Union is absolute or not, the fact remains that the operation of National Highways has been given by the Statue to the Central Government and the National Highways Authority have been given the power under Section 16(d) to regulate and control the plying of vehicles on the National Highways vested in or entrusted to it for proper management thereof. If this be the power of the National Highways Authority, no other authority can do anything, which will affect this power. If any obstruction is caused in the exercise of this power, then, the extent to which such obstruction is caused, the State enactment will be invalid.

98. The Bye-Laws of 1997 empowers the GMC to place check-gates as well as parking places on the National Highways. If it is allowed to survive, it will set at naught the power given to NHAI under Section 16(d) to regulate and control the plying of vehicles on the National Highways. Thus, to the extent that the

1997 Bye-Laws aim at placing of Check-gates and parking places on the National Highways, the same cannot be held to be sustainable in law.

100. Therefore, the GMC Act, 1971, which applies only to the Municipal Area, namely, the City of Gauhati will not apply to the "National Highways", which vest exclusively in the Union. To this extent, the GMC Act, if made applicable to the National Highways, would mean extraterritorial application and will be hit by Article 245 of the Constitution of India. Therefore, Article 243X of the Constitution or Section 144 of the GMC Act will have no application on the National Highways.

200. In the result and for the reasons discussed above, this writ petition succeeds. The impugned 1997 Bye-Laws is hereby set aside and quashed with effect from today. The lease granted by the respondent No. 5, i.e., namely, the GMC in favour of the lessee, namely, respondent Nos. 13 to 17 shall accordingly stand set aside and quashed, but any amount(s), which already stand collected by [he lessees aforementioned and/or the GMC from the Check-gates and parking places shall, however, not be refundable to the persons from whom the

collections have been made. It is further directed that the respondent No. 5 shall refund to the lessees aforementioned such amount or amounts, which may be due to be paid to them after deducting the lease amounts payable by them to the GMC with effect from the date of granting of the lease till today. The whole exercise, so directed, shall be completed by the GMC within a period of one month from today”.

22. This judgment too in effect supports the contentions raised by the Respondents in the present cases, emphasizing the all pervasive and unilateral powers of Central Government and NHAI to notify or denotify any portion of National Highways or Roads.

23. The Rajasthan High Court in *Mahendra Pal & Ors. vs. Union of India & Ors.* (Manu/RH/0838/2016) upheld the acquisition of land by NHAI itself for widening of a National Highway which was challenged on the ground that the land sought to be acquired for the purpose of construction of bypass running from Km.238+000 to Km.248+600 on the

Suratgarh to Sri.Ganganagar Road has not been declared as National Highway under Section 2 of the Act of 1956. It was argued that without declaration of the stretch of road, where bypass is proposed to be constructed, as "National Highway" by issuing Notification under Section 2 of the National Highways Act of 1956, the respondents NHAI cannot acquire the land of the petitioners under Section 3A of the National Highways Act, 1956. It was contended that as the proposed bypass running from Km.238+000 to Km.248+600 has not been declared as National Highway under Section 2 of the Act of 1956, the respondents have no authority to acquire the said land and the impugned notifications issued by it under Section 3A and 3D of the Act of 1956 are liable to be set aside.

24. The Respondents, Union of India and NHAI, however contended that for the purpose of linking the existing National Highway through a bypass, there is no

requirement of issuance of any Notification under Section 2 of the Act of 1956 declaring the said stretch of road as National Highway. It was submitted that a stretch of road connecting two points of same highway automatically becomes a part of National Highway and there is no need to issue a Notification under Section 2 of the Act of 1956 for declaring the said stretch of road as National Highway.

25. Relying on the Gauhati High Court judgment in the case of *Zakir Hussain* (supra), the learned Single Judge upheld the acquisition of land and dismissed the writ petitions observing that the widening/construction of 2 lane paved shoulder road of a National Highway includes the construction of bypass also. As observed earlier, with the change in the alignment, if any linking road or bypass is created, the same will automatically become National Highway and in such circumstances, it cannot be said that the respondents are acquiring the land for the purpose, which has not been mentioned in

the Notification issued under Section 3A of the Act of 1956.

26. This judgment is of little help to the petitioners before this Court. Rajasthan High Court judgment also notices the primacy of the power of NHAI/Central Government to develop even bypass, even though no separate Notification under Section 2 has been issued before the acquisition, if such a bypass links the two points of the existing National Highway by issuance of the Notification for acquisition under Section 3A of the National Highways Act, 1956.

27. Thus, none of these judgments relied upon by the learned counsels for the petitioners really supports their contention that even without proper Denotification under Section 2 of the National Highways Act, 1956 for M.G.Road and Brigade Road and without declaring the By-passes created being notified and declared as National Highways, this Court should treat them as not

part of the National Highway Nos. 4 & 7. The law interpreted by these decisions is on the contrary and the clarifications of Central Government quoted above, when read in the context of the cases, have not really dispensed with the need of proper Notification under Section 2 of the National Highways Act, 1956 or Section 11 of the NHAI Act, 1988.

28. Even the decision referred in the case of Chandigarh Administration, whereby the Legislature of the Union Territory of Chandigarh, denotified the roads within the District and declared the same to be the 'District roads' and the said decision was not interfered by the Hon'ble Supreme Court, is of no help to the present petitioners.

29. If there was no legal requirement for the State Government to approach the Union of India in terms of the provisions of the National Highways Act, 1956, the State of Karnataka would not have so approached the

Ministry of Transport of Union of India for this purpose. The State having approached the Union of India and placed necessary facts and evidence before them and the Central Ministry of Transport having taken the aforesaid decision, it remains the finding of fact which is binding on this Court and this Court cannot ignore the said decision as prayed by the petitioners.

30. Therefore, in view of clear and binding restrictions imposed by the Hon'ble Supreme Court in the case of *State of Tamil Nadu vs. K.Balu*, this Court cannot issue any such direction to the Excise Department of the State to consider the applications of the petitioners for renewal of their Excise licences.

31. The writ petitions are therefore liable to be dismissed and the same are accordingly dismissed. No order as to costs.

Sd/-
JUDGE

Srl.