

ARRIVE SAFE SOCIETY OF CHANDIGARH

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v.

THE UNION TERRITORY OF CHANDIGARH & ANR.

(Special Leave Petition (C) No. 10243 of 2017)

JULY 11, 2017

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**[JAGDISH SINGH KHEHAR, CJI,
DR. D.Y. CHANDRACHUD AND L. NAGESWARA RAO, JJ.]**

Highways – On 15.12.2016, Supreme Court had rendered judgment in State of Tamil Nadu v. K. Balu wherein several directions were issued to obviate dangers to the lives and safety of persons using the Highways – A Notification was issued on 21.10.2005 by Chandigarh Administration notifying major arterial roads described as V1, V2 and V3 as State Highways – By notification dated 16.3.2017, notification issued on 21.10.2005 was modified by the administration and all V1, V2 and V3 were declared as major district roads except for National Highways no.21 and Madhya Marg from Panchkula border to Mullanpur Border – The said notification was challenged unsuccessfully before High Court – Hence, Special leave petition – Held: The judgment dated 15.12.2016 addressed danger to life and safety caused by drunken driving on national and state highways and specifically dealt with the problem from the perspective of the availability of alcohol – Roads within a metropolitan city essentially provide connectivity within the city – The roads in Chandigarh categorized as V1, V2 and V3 are essentially roads within the city as highways by an administrative decision of 21.10.2005 primarily with a view to ensure their maintenance and development by availing of funds available from the Central Road Fund – The alteration in the nomenclature of certain roads, which has been carried out by the subsequent notification dated 16.3.2017, has left unaffected National Highway no 21 which passes through the city and Madhya Marg which connects the States of Haryana and Punjab – In judgment dated 15.12.2016, directions were passed to the States and Union Territories to cease from granting licences for sale of liquor along national and state highways and prohibition to extend to and include stretches of such highways which fall within the limits of municipal corporation, city, town or local authority – The directions did not prevent the Administration from re-classifying

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A *inter-sectoral roads within the city from state highways to major district roads – Therefore exercise carried out by Chandigarh Administration did not breach these directions – It was neither in violation of the terms of the order nor of the purpose and intendment behind those directions – The purpose of the directions contained in judgment dated 15.12.2016 was to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between cities, towns and villages – The order did not prohibit licensed establishments within municipal areas – This clarification would govern other municipal areas as well – Liquor.*

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C *State of Tamil Nadu v. K. Balu* [2016] 11 SCR 244 – Clarified.

Case Law Reference

[2016] 11 SCR 244 Clarified Para 1

D CIVIL APPELLATE JURISDICTION: Special Leave Petition (Civil) No.10243 of 2017.

From the impugned final Judgment and Order dated 29.03.2017 passed by the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No.5594 of 2017 (O&M).

E Tushar Mehta, ASG, Ravi Kumar Gupta, Nikunj Dayal, Pramod Dayal, Payal Dayal, Kaleeswaram Raj, Suvidutt M.S., Sai Deepak Iyer, Arnold Harvey, Chandra Prakash, Advs. for the appearing parties.

The Order of the Court was delivered by

F **DR. D. Y. CHANDRACHUD, J.** 1. On 15 December 2016, this Court rendered judgment in the **State of Tamil Nadu vs K Balu**¹. Several directions were issued to obviate dangers to the lives and safety of persons using the highways, resulting from the menace of drunken driving. The directions contained in the judgment are reproduced below :

G “(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

H ¹ Civil Appeal Nos.12164-12166 of 2016

municipal corporation, city, town or local authority;

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(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;

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(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;

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(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;

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(vii) These directions issue under Article 142 of the Constitution”

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2. The present proceedings relate to Chandigarh. A notification was issued on 21 October 2005 by the Chandigarh Administration notifying major arterial roads (described as V1, V2 and V3 roads) as state highways. The development and maintenance of these roads was directed to vest in Chandigarh Administration. Recently, on 16 March 2017 the earlier notification was modified by the Administration. By the notification, all V1, V2 and V3 roads have been declared as major district roads except for National Highway no.21 and Madhya Marg from Panchkula border to Mullanpur border.

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3. The notification dated 16 March 2017 was challenged before the High Court of Punjab and Haryana on the ground that it circumvents the judgment of this Court in **K.Balu** (supra). The contention did not find acceptance and the writ petition filed by the petitioner was rejected. This gave rise to proceedings under Article 136 of the Constitution.

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A 4. After hearing the learned counsel appearing on behalf of the petitioner and the Additional Solicitor General for the Union Territory Administration, we dismissed the petition on 11 July, 2017 and indicated that our reasons would follow. We are accordingly indicating our reasons for dismissing the Special Leave Petition both to clarify the import of the order of this Court and to set at rest any doubt about its ambit and applicability.

B 5. The roads in the city of Chandigarh have been categorized from V1 to V8. The description of these roads is as follows :

Type	Function
V-1	Roads connecting Chandigarh with other cities in the region. The Madhya Marg, Dakshin Marg merge with the VI's leading to Kalka and Ambala respectively.
V-2	The major avenues of Chandigarh, with important institutional and commercial buildings located on them. Madhya Marg, Dakshin Marg, Jan Marg, Himalaya Marg, Uttar Marg and Purv Marg are important examples of these.
V-3	Roads between sectors for fast moving vehicular traffic. Each sector is surrounded either by a V2 or V3.
V-4	Shopping streets cutting through sectors with shops on either southern side.
V-5	Circulation roads within sectors.
V-6	Roads providing access to houses.
V-7	Foot paths through "Green belts enabling pedestrians to cross sectors without having to cross vehicular traffic and cycle tracks.
V-8	Cycle tracks through green spaces.

G The High Court has noticed that the original notification dated 21 October 2005 was not of a statutory nature and its purpose was only to make an internal arrangement to assign responsibility for maintenance of roads. By classifying certain roads as state highways, the responsibility for maintenance and development was vested in Chandigarh Administration. Since funds were being received from the Central Road

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Fund, in order to utilise these funds for the maintenance of roads, certain internal roads which pass through the city were declared as state highways in addition to National Highway No 21 which passes through Chandigarh. The High Court observed that these roads are in fact inter-sectoral roads, connecting sectors into which the city is divided. However, even after the notification dated 16 March 2017, National Highway no 21 which passes through the city is as it is. So also is the case with Madhya Marg which passes through the city and connects Panchkula in the State of Haryana and Mullanpur in the State of Punjab. Madhya Marg continues to be a state highway. On these findings, the High Court did not find substance in the challenge and dismissed the writ petition.

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6. The judgment of this Court dated 15 December 2016 addresses dangers to life and safety caused by drunken driving on national and state highways and specifically deals with the problem from the perspective of the availability of alcohol. Roads within a metropolitan city essentially provide connectivity within the city. Chandigarh is an illustration. The roads categorized as V1, V2 and V3 are essentially roads within the city. They were categorized as highways by an administrative decision of 21 October 2005 primarily with a view to ensure their maintenance and development by availing of funds available from the Central Road Fund. The alteration in the nomenclature of certain roads, which has been carried out by the subsequent notification dated 16 March 2017, has left unaffected National Highway no 21 which passes through the city and Madhya Marg which connects the States of Haryana and Punjab. The judgment of this Court dated 15 December 2016 prohibits the grant of licences for the sale of liquor along and in proximity of the National and State Highways including those falling within the limits of municipal corporations, cities, towns or local authorities. Directions (i) and (ii) extracted earlier did not prevent the Administration from re-classifying inter-sectoral roads within the city from state highways to major district roads. The exercise carried out by Chandigarh Administration does not breach the directions issued by this Court. It is neither in violation of the terms of the order nor of the purpose and intendment behind those directions.

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7. The purpose of the directions contained in the order dated 15 December 2016 is to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between

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- A cities, towns and villages. The order does not prohibit licensed establishments within municipal areas. This clarification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court.
- B 8. For these reasons, we find no merit in the Special Leave Petition. The Special Leave Petition will accordingly stand dismissed. IA for intervention is disposed of.

Devika Gujral

SLP dismissed.