
(2019) 08 UK CK 0213
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 83 Of 2017

D.K. Joshi

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 29-08-2019

Acts Referred:

Uttar Pradesh Excise Act, 1910 — Section 7, 17, 18, 20, 21, 24, 35, 37A, 37A(1),
37A(3), 37A(4), 40, 41
Constitution Of India, 1950 — Article 47, 226

Citation : (2019) 08 UK CK 0213

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : B.P. Nautiyal, Mohd. Matloob, D.K. Joshi, Shailendra Singh Chauhan,
Virendra Kumar Kaparwan

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. The petitioner, a practicing advocate, has invoked the PIL jurisdiction of this Court seeking, among others, a writ of mandamus directing the respondents to implement Section 37-A of the U.P. Excise Act, 1910 (for short the 'Act'), as applicable in the State of Uttarakhand, in its letter and spirit; a writ of mandamus directing the respondents to assess the loss being caused to human resources, and the public health, due to consumption of liquor in the State of Uttarakhand; and to further direct that necessary steps be taken to make-up the loss being caused by consumption of liquor to consumers, and their family members, in the State of Uttarakhand.

2. While a passionate plea is made by Sri B.P. Nautiyal, learned Senior Counsel appearing on behalf of the petitioner, of the urgent need for judicial interference to curb the extensive damage caused to families in the hilly areas of the State of Uttarakhand, and in some cases complete destruction of the social fabric of entire villages, on account of the sole bread winner frittering away his entire

earnings on consumption of liquor, and it is submitted that failure to implement prohibition in the State, in compliance with Section 37-A of the Act, would result in the complete collapse of the rural economy of the State, this Court may not be justified in travelling into uncharted waters of the moral obligations of the State, to impose prohibition, and must confine its examination to the question whether the State Government has failed to discharge its statutory / legal obligations, if any, of imposing prohibition, for it is only with a view to compel the State Government, to comply with a statutory obligation, can a mandamus be issued.

3. Sri B.P. Nautiyal, learned Senior Counsel appearing on behalf of the petitioner, would submit that, since Section 37-A of the Act was introduced with the laudable object of protecting the welfare of the people of the State, and in furtherance of the Directive Principles of State policy, the State Government is obliged to comply with the said provision; and the abject failure of the State Government to do so, necessitates intervention by this Court. Learned Senior Counsel would refer extensively to the contents of the counter-affidavit, filed by the respondents, to submit that their understanding of Section 37-A of the Act, to mean that the said Section is applicable only to those areas where there is a complete ban on liquor, and as not to apply in the entire State, is completely flawed; reference to the 2002 Excise Policy by the respondents, in support of their submission that steps are being taken for gradual extension of prohibition, is wholly untenable; the power conferred on the Government under Section 40, and the Commissioner under Section 41 of the Act, to frame a policy is only to regulate manufacture and sale of liquor in the State, and has no relation to Section 37-A in Part VI-A of the Act; and the minutes of the meeting dated 02.08.2018, convened by the Additional Secretary, Excise Department, records the concerned officials having themselves acknowledged therein that, in terms of Abkari Manual Part-II, the State should take steps to impose prohibition in compliance with the mandate of Article 47 of the Constitution of India.

4. Sri B.P. Nautiyal, learned Senior Counsel appearing on behalf of the petitioner, would further submit that the Excise Policy dated 07.02.2019 would show that, instead of complying with the requirements of Section 37-A of the Act, the State Government is acting contrary thereto, and the Excise officials have been directed to ensure that there is no area in the State which does not have a bar / liquor shop; and the laudable intent expressed in the counter affidavit notwithstanding, it is evident that the State Government has no intention of gradually extending prohibition in the State in terms of Section 37-A of the Act.

5. Sri D.K. Joshi, the petitioner in-person, would supplement the submissions of Sri B.P. Nautiyal, learned Senior Counsel, and would contend that the State Government should, in addition, be directed to adhere to its Excise Policy; Paragraph-32 of the Excise Policy dated 07.02.2019 prohibits sale of liquor to any person below 21 years of age; notwithstanding such a stipulation, liquor continues to be sold to persons below 21 years of age, in some cases even to

children aged between 12 to 14 years; this can be, effectively, curtailed if the State Government were to strictly implement Clause 33 of the said Excise Policy whereunder every manufacturer, brewery, retail shop and bar are required to install CCTV cameras with IP address, in their premises, to enable sale and purchase of liquor in each of these establishments to be monitored by the Excise officials; and, after these CCTV cameras are installed, these establishments should be monitored, and action should be taken against the errant retail liquor shops / bars, which continue to sell liquor to persons below 21 years of age, notwithstanding the mandate of the 2019 Excise policy to the contrary.

6. On the other hand, Sri Shailendra Singh Chauhan, learned Deputy Advocate General, would refer extensively to the counter affidavits filed by the respondents to contend that steps are being, periodically, taken in terms of Section 37-A of the Act; sale and consumption of liquor is prohibited in religious places such as Badrinath, Kedarnath, Gangotri, Yamnotri, Purnagiri, Reetha Sahab, Hemkunth Sahab and Nanakmatta pilgrimages; further, liquor shops / bars are prohibited from being opened near religious places, educational institutions and hospitals; and no new liquor shops / bars shall be opened on the main road of the yatra route.

7. While Sri Shailendra Singh Chauhan, learned Deputy Advocate General, would insist that, in terms of the Notification dated 24.04.2002, sale and consumption of liquor is prohibited in the aforesaid areas, Sri B.P. Nautiyal, learned Senior Counsel appearing on behalf of the petitioner, would contend that the conditions stipulated in the Notification dated 24.04.2002 are no longer applicable, since all prior notifications have been superseded by the Notification dated 07.02.2019; and there is no embargo for Excise officials to open liquor shops / bars, permitting sale and consumption of liquor, even in these religious places also. Learned Senior Counsel would submit that the very fact that the 2019 Excise policy insists that there should be liquor shops / bars in all areas of the State reflects the intention of the State to propagate and encourage consumption of liquor in all areas in the State, including the aforesaid places of pilgrimage; and belies their contentions, before this Court, to the contrary.

8. Article 47, under the head "Directive Principles of State Policy", in Part-IV of the Constitution of India, requires the State to improve public health, obligates it to regard improvement of public health as among its primary duties, and to endeavour to bring about prohibition of consumption of intoxicating drinks injurious to health. Part IV of the Constitution, containing directive principles of State policy, specify the socialistic goals to be achieved by the State, and is the edifice on which our Constitution is built. (D.S. Nakara & others vs. Union of India (1983) 1 SCC 305; Minerva Mills Ltd. v. Union of India (1980) 3 SCC 625). Fundamental rights and the directive principles constitute the "conscience of the Constitution". The Constitution aims at bringing about a synthesis between "Fundamental Rights" and "Directive Principles of State Policy" by giving to the former a place of pride and to the latter a place of permanence, together they

form the core of the Constitution. They constitute its true conscience, and without faithfully implementing the Directive Principles it is not possible to achieve the welfare State contemplated by the Constitution. (Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225; V. Markendeya & others vs. State of Andhra Pradesh & others (1989) 3 SCC 191). The fundamental rights are not an end in themselves, but are the means to an end, the end is specified in Part IV. (Minerva Mills Ltd. (1980) 3 SCC 625; D.S. Nakara (1983) 1 SCC 305). The directives emphasise, in amplification of the preamble, that the goal of the Indian polity is a welfare State, where the State has a positive duty to ensure to its citizens social and economic justice, and the dignity of the individual. It serves as an "Instrument of Instructions" upon all Governments. (Bhim Singhji v. Union of India (1981) 1 SCC 166).

9. It is in furtherance of its obligations under Article 47, in Part IV of the Constitution of India, that the State legislature has enacted Chapter VI-A in the U.P. Excise Act, 1910 (for short "the Act") which contains special provisions regarding prohibition. While the Act is, no doubt, a pre-constitutional legislation, and was substantially amended in 1941 long before the Constitution of India came into force, Section 37-A, which was substituted by U.P Act No.30 of 1978 with effect from 01.05.1972, is a post-constitutional legislation, and has been made in furtherance of the directive principles of State policy enunciated in Article 47 in Part IV of the Constitution of India.

10. Since the dispute, raised in this writ petition, revolves around the scope of Section 37-A of the Act, it is useful to extract the said provision in its entirety:

[37A. Prohibition of import, export, transport, possession or consumption of intoxicants. -

(1) Subject to the provisions in sub-section (4), the import or export of any intoxicant into or from Uttar Pradesh or any part thereof or the transport of any intoxicant shall be prohibited.

(2) Notwithstanding anything contained in Section 20, but subject to the provision of sub-section (4), the possession or consumption by any person or class of persons or subject to such exceptions, if any, as may be specified, by all persons in Uttar Pradesh or in any specified area or areas thereof, of any intoxicant shall absolutely or subject to such conditions as may be specified, be prohibited.

(3) In pursuance of the policy of gradual extension of prohibition in the State and having regard to the administrative convenience, the State Government may from time to time select different areas in that behalf after taking into account anyone or more of the following factors, namely-

(a) the character of an area as-

(i) the seat of Government; or

- (ii) the seat of learning; or
- (iii) a place of pilgrimage or of religious importance; or
- (iv) hill area; or
- (v) an industrial area; or
- (vi) contiguous to dry areas; or
- (vii) inhabited by Scheduled Castes or Scheduled Tribes; or
- (b) the general economic condition of the local population, including their level of nutrition and standard of living; or
- (c) the local public opinion; or
- (d) any other relevant factor which in the opinion of the State Government immaterial in the public interest :

Provided that nothing in this sub-section shall be construed to require the State Government to recite in its order, the considerations on the basis of which a particular area is selected at any time for enforcement of prohibition.

(4) Subject to the provision of sub-section (3), the area to which the prohibition on import, export or transport of any intoxicant under sub-section (1) and on possession or consumption of any intoxicant under sub-section (2) extends and the date on which the prohibition in any area comes into force, shall be such as the State Government may, from time to time, specify by notification.

(5) Notwithstanding anything contained in sub-section (4) in relation to any prohibition area, the State Government may, either by rules and by general or special order, make any exemption or relaxation in respect of the possession, consumption, import, export or transport of the intoxicants mentioned in the notification under sub-section (4) of any of such intoxicant by or for purposes of-

- (a) members of the defence services;
- (b) foreigners visiting or residing in the prohibition area;
- (c) travellers through the prohibition area;
- (d) district hospitals or medical colleges requiring any intoxicant for medical purposes;
- (e) persons holding licences under Sections 17, 18, 21 and 24;
- (f) consignment from, to, or passing through the prohibition area by rail, road or air;
- (g) industrial, scientific, educational, medicinal or religious purposes.

(6) In relation to any exemption or relaxation that may be made under sub-section (5), the State Government may either by rules or by general or special

order, provide for the grant of pass or permit by such authority as may be specified.

(7) Upon the issue of a notification referred to in sub-section (4) the authority granting a licence under this Act may in so far as it relates to a prohibition area cancel it forthwith without notice, and it shall thereupon remit a sum equal to the amount of the fee payable in respect of the unexpired period of the licence, and refund any fee paid in advance or deposit made by the licensee in respect thereof, less the amount, if any, due to the State Government, but no compensation shall, in respect of such cancellation, be payable to the licensee, anything contained in Section 35 notwithstanding.

(8) Where any licence is cancelled under Section 7 the licensee shall dispose of the intoxicants in his possession in such manner as the State Government or the Excise Commissioner may by general or special order direct :

Provided that no act done or omission taking place during the period commencing on May 1, 1972 and ending with June 25, 1978 which would not be an offence but for such substitution shall constitute an offence punishable under the principal Act.]

11. Sub-Section (1) of Section 37-A is subject to the provisions of Sub-Section (4) of Section 37-A. Consequently, subject to what is provided in Sub-Section (4), there is a prohibition on the import or export of any intoxicant into or from Uttarakhand, or any part thereof, or the transport of any intoxicant. Sub-Section (4) of Section 37-A, in turn, is subject to Sub-Section (3). Subject thereto, Section 37-A(4) requires the area, to which the prohibition of import, export or transport of any intoxicant under Sub-Section (1) extends and the date on which the prohibition in any area comes into force, to be such as the State Government may, from time to time, specify by notification. Sub-Section (3) of Section 37-A stipulates that, in pursuance of the policy of gradual extension of prohibition in the State, and having regard to administrative convenience, the State Government may, from time to time, select different areas in that behalf after taking into account any of the factors mentioned in clauses (a) to (d) thereunder, including sub-clauses (i) to (vii) in Clause (a).

12. Section 37-A, in Part VI-A of the Act, was substituted by U.P. Act No. 30 of 1978, in furtherance of the laudable object of enforcing the directive principles of State Policy under Article 47 in Part IV of the Constitution. Merely because the directive principles are not enforceable in a court of law, does not mean that they do not create obligations or duties binding on the State. (*Minerva Mills Ltd.* (1980) 3 SCC 625). The principles laid down in Part-IV, i.e. directive principles of State policy, are nevertheless fundamental in the governance of the country. It is the duty of the State to apply these principles in making laws. (*Daulat Singh Surana & others vs. First Land Acquisition Collector & others* (2007) 1 SCC 641; *V. Markendeya* (1989) 3 SCC 191). Action taken by the State, in consonance with the provisions laid down in the Directive Principles of State Policy as envisaged

under Part IV of the Constitution of India, should be considered reasonable. (Ashoka Smokeless Coal India (P) Ltd. vs. Union of India & others (2007) 2 SCC 640).

13. While interpreting or examining the validity of legislative/ administrative action, the touchstone of Directive Principles of State Policy, in the light of the Preamble, will provide a reliable yardstick to hold one way or the other. (D.S. Nakara (1983) 1 SCC 305). The directive principles of State Policy are paramount in character, and are fundamental in the country's governance. (Bhim Singhji (1981) 1 SCC 166). Section 37-A (1) uses the word "shall". The word 'shall', in its ordinary significance, is obligatory or mandatory and the court should, ordinarily, give that interpretation to that term unless such an interpretation leads to some absurd or inconvenient consequence, or is at variance with the intent of the Legislature. (Govindlal Chhaganlal Patel vs. Agricultural Produce Market Committee AIR 1976 SC 263; Khub Chand v. State of Rajasthan AIR 1967 SC 1074 and State of U.P. vs. Babu Ram Upadhyaya AIR 1961 SC 751). The objective of the legislation, as set out in Section 37-A of the Act, is the implementation of Part IV of the Constitution, and consequently the obligation of the State Government under Section 37-A(1), more so by the use of the word "shall" therein, is mandatory in character.

14. Unlike Section 37-A(1) which uses the word "shall", the second limb of clause (3) of Section 37-A uses the word "may". As a general rule, the word 'may' is permissive, and operates to confer discretion, especially where it is used in juxtaposition with the word 'shall', which, ordinarily, is imperative as it imposes a duty. In order to find out whether these words are being used in a directory or in a mandatory sense, the intent of the legislature should be looked into along with the pertinent circumstances. (Bachahan Devi v. Nagar Nigam, Gorakhpur (2008) 12 SCC 372 and D.K. Basu v. State of W.B (2015) 8 SCC 744). The ultimate rule, in construing auxiliary verbs like 'may' and 'shall', is to discover the legislative intent; and the use of the words 'may' and 'shall' is not decisive of its discretion or mandate. The use of the words 'may' and 'shall' may help the Courts in ascertaining the legislative intent without giving to either a controlling or a determining effect. Courts have further to consider the subject-matter, the purpose of the provisions, the object intended to be secured by the statute which is of prime importance, as also the actual words employed. (Bachahan Devi (2008) 12 SCC 372 and D.K. Basu (2015) 8 SCC 744).

15. Although, in a general sense, 'may' is enabling or discretionary and 'shall' is obligatory, the connotation is not inelastic and inviolate. (Bachahan Devi (2008) 12 SCC 372 and D.K. Basu (2015) 8 SCC 744). The use of the words "may" or "shall", by themselves, do not necessarily suggest that one is directory and the other mandatory, but the context in which the said expressions have been used, as also the scheme and the purpose underlying the legislation, will determine whether the legislative intent really was to simply confer the power or such conferment was accompanied by the duty to exercise the same. (Sardar

Govindrao v. State of M.P AIR 1965 SC 1222 and D.K. Basu (2015) 8 SCC 744). As the object of Section 37-A (1) of the Act is to comply with the directive principles in Article 47 of the Constitution, of the obligation of the State to impose prohibition, the word "shall" used therein makes compliance with the said provision imperative and mandatory. Use of both the words "shall" and "may" in Clauses (1) and (3) of Section 37-A show that the words "shall" was understood as distinct from, and not to mean, "may". The use of the word 'may' in Section 37-A (3), and of the word 'shall' in Section 37-A(1), establishes the difference that, while Section 37-A(3) gives a discretionary power, clause (1) of Section 37-A is mandatory. (Jamatraj Kewalji Govani v. State of Maharashtra AIR 1968 SC 178; T.R. Sharma v. Prithvi Singh (1976) 1 SCC 226).

16. Section 37-A of the Act uses both the words 'shall' and 'may' albeit in different sub-sections. While Sub-Section (1) of Section 37-A of the Act uses the word "shall", the second limb of Sub-Section (3) of Section 37-A of the Act uses the word "may". The general rule is that when two different words are used in the same provision, these different words should be construed as carrying different meanings. (Kailash Nath Agarwal v. Pradeshia Industrial and Investment Corporation of U.P. Ltd. (2003) 4 SCC 305; The Member, Board of Revenue v. Arthur Paul Benthall AIR 1956 SC 35; M/s. B.R. Enterprises v. State of U.P. AIR 1999 SC 1867). Different use of the words, in two provisions of a statute, is for a purpose. If the field of the two provisions were to be the same, the same words would have been used. (B.R. Enterprises AIR 1999 SC 1867). When two words of different import are used in a statute in two consecutive provisions, it would be difficult to maintain that they are used in the same sense, and the conclusion must follow that the two expressions have different connotations. (Arthur Paul Benthall AIR 1956 SC 35). When the legislature has taken care of using different phrases in different sections, normally different meaning is required to be assigned to the language used by the legislature. If, in relation to the same subject-matter, different words of different import are used in the same statute, there is a presumption that they are not used in the same sense. (Arthur Paul Benthall AIR 1956 SC 35; Oriental Insurance Co. Ltd. v. Hansrajbhai V. Kodala (2001) 5 SCC 175). When the situation has been differently expressed, the Legislature must be taken to have intended to express a different intention. (Commissioner of Income-tax, New Delhi v. M/s. East West Import & Export (P) Ltd, Jaipur AIR 1989 SC 836; Hansrajbhai V. Kodala (2001) 5 SCC 175).

17. If the legislative intent was not to distinguish, and while stating "shall" it was intended to convey the idea of "may", there would have been no necessity of expressing the position differently. (East West Import and Export (P) Ltd AIR 1989 SC 836). Employment of the two mono-syllables "may" and "shall" in the same provision must have two different imports. (Mahaluxmi Rice Mills v. State of U.P. (1998) 6 SCC 590). Where the legislature uses two words "may" and "shall", in two different parts of the same provision, prima facie, it would appear that the legislature manifested its intention to make one part directory and

another mandatory. But that by itself is not decisive, and the power of the Court to find out whether the provision is directory or mandatory remains unimpaired. (Bachahan Devi (2008) 12 SCC 372 and D.K. Basu (2015) 8 SCC 744).

18. The State Government is obligated, in terms of Section 37-A(1), to impose prohibition on export and import of any intoxicant into or from Uttarakhand or any part thereof. The mandate of Sub-section (1), to impose prohibition, is subject to sub-section (4) which, in turn, is subject to sub-section (3) of Section 37-A of the Act. The obligation cast on the State Government, in terms of the first limb of Section 37-A(3), is to first frame a policy of gradual extension of prohibition. After such a policy is framed, the State Government is conferred the discretion, in pursuance of such a policy of gradual extension of prohibition, to select different areas in that behalf, from time to time. The discretion conferred on the State Government, under Section 37-A(3), is not unfettered but is circumscribed by the requirement of taking into account the factors mentioned thereunder which relate to (a) the character of an area, (b) the general economic conditions of the local population, including their level of nutrition and standards of living; (c) the local public opinion; (d) any other relevant factor which, in the opinion of the State Government, is material in the public interest.

19. The State legislature has not conferred any discretion on, and has in fact mandated, the State Government to frame a policy of gradual extension of prohibition in the State. The discretion conferred, by Sub-Section (3) of Section 37-A of the Act, on the State Government, is only regarding implementation of such a policy of gradual extension of prohibition by selecting different areas where prohibition can be imposed.

20. Despite the mandate of the State Legislature under Section 37-A (3) of the Act, no policy has, admittedly, been framed by the Government of Uttarakhand, providing for gradual extension of prohibition in the State, till date. A mandamus is a command issued to direct any person, corporation, or Government, requiring him or them to do some particular thing therein specified which appertains to his or their office, and is in the nature of a public duty. A mandamus would lie to any person who is under a duty imposed by a statute or by the common law to do a particular act. (Director of Settlements, A.P. v. M.R. Apparao (2002) 4 SCC 638). The chief function of a writ of mandamus is to compel performance of the public duties prescribed by a statute. (Lekhraj Satramdas Lavani vs. N.M. Shah, Deputy Custodian-cum-Managing Officer AIR 1966 SC 334; Rai Shivendra Bahadur (Dr) v. Nalanda College AIR 1962 SC 1210; Umakant Saran Dr v. State of Bihar AIR 1973 SC 964 and Bihar Eastern Gangetic Fishermen Coop. Society Ltd. vs. Sipahi Singh (1977) 4 SCC 145). The mandate of the State Legislature, under Section 37-A(3) of the Act, casts an obligation on the State Government to frame a policy for gradual extension of prohibition. On its failure to do so, this Court must, necessarily, issue a writ of mandamus directing them to frame such a policy.

21. The State Government is, therefore, directed to comply with the mandate of

the State Legislature, as stipulated in Sub-Section (3) of Section 37-A of the Act, and frame a policy of gradual extension of prohibition at the earliest and, in any event, within six months from the date of production of a certified copy of this order. After such a policy is made, the State Government may consider selecting different areas, from time to time, for gradual extension of prohibition.

22. Since the policy framed by the State Government (as notified on 07.02.2019) itself prohibits sale and consumption of liquor to persons below 21 years of age, the State Government must take all such steps as are required to ensure that the policy framed by it is strictly adhered to. While we are conscious that, ordinarily, executive policies are not enforceable in proceedings under Article 226 of the Constitution of India, the State Government, which has framed the policy, must adhere thereto, for an executive authority must be rigorously held to the standards by which it professes its actions to be judged, and it must scrupulously observe those standards on pain of invalidation of an act in violation thereof. (*Ramana Dayaram Shetty v. International Airport Authority of India* (1979) 3 SCR 1014; *B.S. Minhas v. Indian Statistical Institute* (1983) 4 SCC 582; *Amarjit Singh Ahluwalia v. State of Punjab* AIR 1975 SC 984; *Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi* AIR 1975 SC 1331). When the State frames an executive policy, for taking action, it is imperative on its part to scrupulously follow the same, to avoid arbitrariness and ensure fair-play. (*B.S. Minhas* (1983) 4 SCC 582). Executive policies made by the State are binding on it. (*Swaran Singh Chand v. Punjab State Electricity Board* (2009) 13 SCC 758); *H.V. Nirmala v. Karnataka State Financial Corpn.* (2008) 7 SCC 639). Having professed to abide by it, the State Government cannot, in the absence of any statutory provision, act contrary thereto. (*N. Kannapan v. State (Union Territory) Andaman & Nicobar Islands* (2013) 2 SCC 177); *Harjit Singh v. State of Punjab* (2007) 9 SCC 582).

23. The respondents shall therefore, within two months from today, cause inspection of all retail liquor outlets / bars in the State, and ensure that all these retail liquor outlets / bars install CCTV cameras with IP address in their premises in terms of Clause 33 of the 2019 Excise Policy dated 07.02.2019. Action shall, forthwith, be taken against those errant retail liquor outlets / bars which have not installed CCTV cameras with IP address in their premises. The State Government shall also put in place an effective mechanism to monitor the CCTV footage from these outlets, periodically, to ensure that liquor is not sold to persons below 21 years of age.

24. Since a dispute is raised regarding prohibition on the sale and consumption of liquor being imposed in the afore-mentioned religious places, and as the stand of the respondents in their counter affidavits is that prohibition is imposed thereat, the State Government shall ensure that prohibition is strictly enforced, in Badrinath, Kedarnath, Gangotri, Yamnotri, Purnagiri, Reetha Sahab, Hemkunth Sahab and Nanakmatta pilgrimages, in terms of the assurance in the counter affidavit, filed by the Additional Secretary, Excise Department, dated 24.05.2019.

25. The writ petition is, accordingly, disposed of. No costs.