
(1997) 02 SC CK 0009

In the Supreme Court Of India

Case No : Civil Appeal No. ... of 1997 Arising out of SLP (C) No's. 12137 and 13776 of 1996

State of Orissa and Others

APPELLANT

Vs

Sanjay Kumar Gadodia
Sanjay Kumar Gadodia Vs
State of Orissa and Others

RESPONDENT

Date of Decision : 14-02-1997

Acts Referred:

Citation : (1998) 9 JT 271 : (1997) 11 SCC 119

Hon'ble Judges : S. P. Kurdukar, J;J. S. Verma, J

Bench : Division Bench

Final Decision : dismissed

Judgement

1. Leave granted.

2. The only question involved in this appeal is the construction of Rule 11 of the Orissa Excise (Mahua Flower) Rules, 1976, which reads as under:

11. Rules 6 to 8 relating to import of mahua flower from any place outside the State shall mutatis mutandis apply to the transport of mahua flower inside the State and for issue of transport permit.

3. The High Court has held that the restriction imposed by the State Government with regard to transport of mahua flowers inside the State is meant for inter-district and not intra-district transport. The question is whether this is the correct construction of Rule 11.

4. The plain language of Rule 11 shows that there is nothing therein to permit the distinction made by the High Court between inter-district and intra-district transport. The expression used in Rule 11 is "inside the State" is regulated by Rule 11 and there is no occasion to make any distinction between inter-district and intra-district transport for the purpose of Rule 11. Inter-district transport are both "inside the State". The view taken by the High Court being contrary to the

plain meaning of Rule 11 is erroneous. The grievance made by the State Government to this extent has, therefore, to be accepted.

5. Consequently, this appeal of the State is allowed in the above manner. Civil Appeal No. of 1997 arising out of SLP (C) No. 12137 of 1996

6. Leave granted.

7. This appeal has no merit and is, therefore, dismissed.