

**ANTONY DOMINIC,
&
DAMA SESHADRI NAIDU, JJ.**

W. A. No.417 of 2017

Dated this the 13th day of October, 2017

JUDGMENT

Antony Dominic, J.

This appeal is filed by the State aggrieved by certain observations in the judgment of the learned single Judge in W.P.(C) No.23625 of 2016. The said writ petition was filed by the respondent/petitioner, a licensee under Rule 13(11) of the Foreign Liquor Rules, aggrieved by the proceedings initiated against them under Section 56(b) of the Abkari Act on the allegation that they had violated the provisions contained in Rule 16(1) of the Foreign Liquor Rules, inasmuch as they had made certain modifications to the building in respect of which licence was granted. Considering the facts of the case, in the judgment under appeal, the learned single Judge held that the modification

made did not attract the provisions contained in Rule 16 justifying the initiation of proceedings under Section 56(b) of the Act. It is this judgment which is challenged.

2. We heard the learned Government Pleader and the learned counsel for the respondent.

3. Although the learned Government Pleader contended that the judgment is erroneous, inasmuch as the alterations made by the respondent were in violation of Rule 16, having regard to the facts noted by the learned single Judge, we are not persuaded to agree with him. But at the same time, we do find force in the submissions made by the learned Government Pleader that the observations made by the learned single Judge that the applicability of the Rule is only to the premises where a liquor is possessed, sold or consumed, could be of prejudice to the appellants. Therefore, we delete the following sentence in the judgment.

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