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Karnataka High Court
Sri E Narendra vs The Commissioner Of Excise on 15 September, 2010
Author: Ashok B.Hinchigeri
      IN THE HIGH COURT OF KARNATAKA AT BANGALORE
      DATED THIS THE 15*" DAY OF SEPTEMBER, 2010
      BEFORE
      THE HON'BLE MR. JUSTICE ASHOK B. HINCHIGERI'~I'.'ij:f Y.
      wRIT PETITION Nos.2 21~22 2_1_ E){CI'SEi'_'~.'V"'I: 'I
      BETWEEN:
      1.
      ANDI: V » "
      SRI E NARENDRA
      S/O BIMAIAH EDIGA
      AGED ABOUT 45 YEARS
      PROPRIETOR,
      HOTEL BLUE HEAVENS
      No.37, 100 FEET ROAD,
      JALAHALLI CROSS, DASA.R.AH~ALL I *
      BANAGALORE -5 E360.. 079' *
      KUM. ARATI - _ A, 1-, ;; -
      D/O KAILASH A j
      AGED AB\sim_0tT_ 23_YEARS\sim x "
      # 32, 5*" MAIN, GAND'H1'*~A GAR
      BANGALORE": 09% I - -~ RETITIONERS
       SARI uNISHiT..KLJMAR SHETTY, ADVOCATE)
      TH.E'T.COM'fTT1'SSI'i§)'NER OF EXCISE
      VAKKALIGARA. BHAVAN
      N H K R CIRC4 E, "BANGALORE m 01
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STATE GOVERNMENT

D'EPAF{TMENT OF HOME

'REPRESENTED BY ITS SECRETARY TO

V' GOVERNMENT OF KARNATAKA VIDHANA SOUOHA, BANGALORE

- 1. ,"~""fi
- " THE COMMISSIONER OF POLICE

INFANTRY ROAD, BANGALORE

4. THE STATION HOUSE OFFICE UPPARPET POLICE STATION EANGALORE RESPONDENTS

(BY SRI R DEVDAS, AGA FOR R1 TO R4) THESE WRIT PETITIONS ARE FILED UNDER .AR'\(^1\).CLES\(^2\)26\(^2\), AND 227 OF THE CONSTITUTION OF INDIA. P\_RAY\_ING"TQ\(^3\) D'IR\_E.C'F\_' THE R1 AND 4 NOT TO INTERFERE:VWIT'HIVTHE' --B\_US,INESV\_S\* CARRIED ON BY THE P1 IN HIS BAR AND R.ESTAURAN\_T IN\(^3\).'iTHi'Ei.i NAME AND STYLE OF "HOTEL BLUE 'ieiEAVENSff:i3AR ANT) RESTAURANT SITUATED AT No.317;\_S,C.\*RoAD, 3i<.E.j'.IC.IR,CLE, v A BANGALORE 560 009 AND ETC.

THESE WRIT PETITIONSinCONiI'NGi.j'Q;gf-EOR PRELIMINARY HEARING THIS DAY, THE COURT TMA.DE:\_THEiEOLLOWINC3: Sri R.Devc¥a\_s,.. fieayrr1.e:d iti\_\_onfalC' oyernment Advocate is directed to;V'taSlte"ntOit§\_ce t.h'e□'espondent Nos.1 to 4.

2. The petityiOn,erS \_h4a\:/\_e c testioned the validity of Section 20\_(\_\_\_2.) of thiégkarnatalka Act, 1965 ('the said Act' for short) and=\_Ru:i'e.. Karnataka Excise Licences (General ':2L\_ConditionS).,'RCUSOSE ('the said Rules' for short). Section of prohibits the employment of women in the the intoxicants are being sold without the 'Detmission of the Deputy Commissioner. Rule 9(1) of Rules contain total prohibition against the employment women by the excise licensee.

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- 3. Sri Nishit Kumar Shetty, the iearned counsel for the petitioners submits that this Court, by its order, dated 24.9.2008 passed in W.P.No.3743/G8 connected with W.P.No.9345/08\_\_\_has already deciared Section 20(2) as unconstitutional and Ri.ii~e,:'9.'\_iteV be uitra vires and unenforceable. Foilowing the said ~ Court, by its order, dated 2.7.2010 passed\_\_ in V 249/10 has passed the order restrainingi-:,'thi,-:5"respiondents"iren'i¥f interfering with the business of thepetitiori-ers that the petitioner No.1 is not entit!edVV':to\_\_e-tnpioiy'worneii in his bar and restaurant.
- 4. Sri:v'i"R,Vi' V/iidditionai Government Advocate appearing' is in no position to dispute the passirig'-ofthe','-otders'teferred hereinabove. is'Vh'o""ihVore res integra, these petitions are disposed'nine..:tevrhtsv"\_j.of the W.P.No.37-43/08 connected with 3iw.ip.No.93giS/03.0 5§m'd W.P.No.20246-249/10 directing the
- --«.respondents not to interfere with the business of the petitioner {i'\\$i,o\_«.\_1. ground of his employing women in his bar and res--tail ra ii t.

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6. These petitions are accordingly allowed. No order as  $\_$  to COSES .

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