Serial No. 05
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 664 of 2025

Date of Decision:18.06.2026

Smti Legitha D. Sangma,
D/o (L) Hamingstone D. Sangma,
R/o Sunny Hills, Danakgre,
West Garo Hills District, Meghalaya **…. Petitioner(s)**

Versus

1. State of Meghalaya represented by
Commissioner & Secretary of Excise Govt. of Meghalaya,
Shillong, East Khasi Hills.

2. The Deputy Commissioner (Excise), Tura,
West Garo Hills District, Meghalaya

3. The Superintendent of Excise,
West Garo Hills Tura, Meghalaya

4. Shri Sujin R. Sangma,
Pastor of Baptist Church Niksengggittim
R/o Niksenggittim, West Garo Hills District, Tura

5. Rev. Jack N. Sangma (Pastor in-charge)
R/o Tura Town, West Garo Hills District, Tura

6. Smti Silme Ch. Marak,
The President of Development Committee,
R/o Walbakgre, West Garo Hills District, Tura

7. Shri Teofield T. Sangma,
Secretary of Development Committee,
R/o Walbakgre, West Garo Hills District, Tura

… Respondent(s)

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

<u>Appearance:</u>

For the Petitioner(s)	:	Mr. P.T. Sangma, Adv. with Ms. J.T. Sangma, Adv.
For the Respondent(s)	:	Mr. N.D. Chullai, AAG with Ms. R. Colney, GA (For R 1-3) Mr. C.C.T. Sangma, Adv. (For R 4-7)

i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

<u>JUDGMENT AND ORDER (ORAL)</u>

1. The brief facts are that the petitioner herein is a license holder for a retail vend of IMFL granted vide Government approval order dated 13.09.2022 at Jengjal market, West Garo Hills and had been operating the wine shop at the said location without any complaint or disturbances. The petitioner due to necessity and convenience, had prayed before the respondent authority to allow the shifting of the wine shop from Jengjal market to Danakgre opposite BSF camp, West Garo Hills. Before making the request for shifting to the new location, the petitioner obtained a No Objection Certificate

from the Headman of Danakgre Akhing, and on permission being granted by the Excise Department vide order dated 29.01.2025, then shifted her wine store from Jengjal market to Danakgre, Tura in the month of January, 2025 itself. However, after running the wine store for some time in spite of being in possession of all valid licensing and permission, was directed by the respondent No. 3 (Superintendent of Excise, Tura West Garo Hills) verbally, to close the said shop. Being compelled to comply with the direction of the respondent No. 3, in spite of having obtained the NOC from the Headman/Nokma and also from the owner of the building where the wine store is located and permission granted for shifting, the petitioner closed the said wine store and the same has remained closed till date. Aggrieved with the action of the respondent, the instant writ petition has been filed.

2. Mr. P.T. Sangma, learned counsel for the petitioner has submitted that the petitioner being a valid license holder which has been duly renewed from time to time, and on the permission from the Excise authorities, who allowed the shifting of the wine store from Jengjal market to Danakgre, Tura after spot inspection, the action of the respondent No. 3, due to pressure from certain quarters ,who are against the sale of liquor, is illegal and has caused great financial loss to the petitioner, who is a bona fide trader. He thus prays for orders to

direct the respondents to allow the petitioner to continue her business without being disturbed.

3. This Court on being seized of the matter vide order dated 16.12.2025, after noting the circumstances of the case was pleased to direct as follows: -

> ***"On hearing the learned counsel for the parties, it is noted that it is not a case where the petitioner is operating without any sanction of law, inasmuch as, due process for transfer has also been allowed by the Deputy Commissioner i.e., respondent No. 2 himself. However, it appears due to the objections of certain individuals, the petitioner's business has been affected. Though trade and liquor is not a right, but once having been issued a valid license, it is expected that the State respondents themselves will address the situation as not to cause loss to any person. In the instant case, it is noted that before the suspension of the activities, the petitioner was never afforded any opportunity to even present his case, and it appears the authorities have acted on the complaints made by certain individuals.***
>
> ***In this view of the matter, the learned AAG is directed to obtain instructions with regard to the vicinity of the Retail Vend to any place of worship or educational institutions, and also the respondent No. 2 is directed to convene a meeting between the petitioner and the Headman within one week from today to understand the issue, and to allow the petitioner to present his case. The Deputy Commissioner is to take appropriate action on hearing the Headman and the petitioner, and he is also directed to examine the feasibility of the shop being open without causing any law and order problem.***
>
> ***List this matter on 09-02-2026 for further orders."***

4. The State respondents pursuant to the order of the Court then submitted a Report dated 04.02.2026, enclosing Minutes of a meeting dated 19.12.2025, which is reproduced hereinbelow: -

> ***"MINUTES OF THE MEETING ON HIGH COURT MATTER REGARDING WRIT PETITION OF SMT. LEGITHA D. SANGMA VRS STATE OF MEGHALAYA & OTHERS HELD ON THE 19 DECEMBER, 2025 AT 4:30 P.M. IN THE OFFICE CHAMBER OF THE DEPUTY COMMISSIONER, WEST GARO HILLS, TURA.***
>
> ***Members present at Annexure -1***
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> ***1. The Deputy Commissioner welcomed all the attendees and directed that the attendance of members present be recorded.***
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> ***2. The meeting was attended by the Aking Nokma of Danakgre, Smt. Amanch Ch. Marak, the Licensee, Smt. Legitha D. Sangma, and officers of the Excise Branch, including Inspectors and Assistant Inspectors of Excise.***
>
> ***3. The Licensee, Smt. Legitha D. Sangma, submitted that she has not violated any provisions of the Meghalaya Excise Act and Rules and requested permission to reopen her IMFL shop. She stated that the continued closure has caused her substantial financial loss and hardship, particularly during the festive season, and has adversely affected her ability to maintain her family. She further contended that the complaints lodged against her shop lack merit and may have been motivated by reasons other than those stated in the complaints.***
>
> ***4. The Enquiry Officer, Smt. Junshalline Ch. Marak, opined that the licensee has complied with all statutory requirements for operation of the wine shop and has not violated any provisions of the Excise Act or Rules. She further stated that***

the public opinion process was conducted following due procedure.

5. ***The Aking Nokma stated that she had issued a No Objection Certificate (NOC) for the licensed premises situated within her A'king land at Danakgre. She clarified that the premises falls within Danakgre locality and not any other locality, that nearby churches are located well beyond the prescribed distance norms under the Excise Rules, and that other Excise shops are operating in the same locality without objection.***

6. The Deputy Commissioner informed that a Senior Officer would be directed to conduct a detailed enquiry into all issues raised in the complaints. He further stated that the opinion of the Superintendent of Police would be sought regarding law and order implications, and that legal opinion would be obtained. A final decision on reopening of the shop would be taken strictly in accordance with the directions of the Hon'ble High Court.

As there are no other matter to be discussed, the meeting ended with a vote of thanks from the chair.

Sd/-
Deputy Commissioner (Excise)
West Garo Hills, Tura."

6. A perusal of the above noted Report would show that the factum of the petitioner not violating any provisions of the Meghalaya Excise Act and Rules has been recorded. However, in the said Report itself, the Deputy Commissioner had informed that a detailed enquiry into all issues would be gone into including the aspect of law-and-order implications.

7. When the Report came up for consideration before this Court, the learned counsel for the petitioner then submitted that though the enquiry was held, a letter of the Inspector of Excise dated 12.08.2025, was not taken into consideration. By the said letter it was submitted, the fact that the proposed location of the wine shop was at a distance of 105 meters from another existing Bar, and that many boot-legging liquor businesses were present in the locality as there was no wine store, was not taken into account. This Court on the submission of the learned AAG, then by order dated 02.03.2026, directed the Deputy Commissioner to revisit the matter and to take all circumstances into consideration, especially the inputs from the Excise and Police Departments.

8. On the next date of hearing i.e. 25.03.2026, the learned AAG submitted the Minutes of the meeting of a Report dated 19.03.2026, which was conducted pursuant to the order 02.03.2026, and the matter was then fixed on 26.03.2026. This Report being very relevant is reproduced hereinbelow:-

> ***"Minutes of the meeting on High Court matter regarding writ petition of Smt. Legitha D. Sangma Vrs State of Meghalaya & others held on 19 March 2026 in the office chamber of the Deputy Commissioner, West Garo Hills, Tura at 4:00 PM.***
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> ***Members Present in Annexure-1***

The meeting was chaired by Shri Vibhor Aggarwal, IAS, Deputy Commissioner, West Garo Hills, Tura who at the outset welcomed all the members present in the meeting. He then informed that the purpose of convening a meeting is to discuss on the High Court Order No WP 9(C) No. 664 of 2025, Dated 02-03-2026 pertaining to writ Petition Smt. Legitha D. Sangma Vs State of Meghalaya & Others

The Deputy Commissioner. Tura then stated that as per the direction received from the Hon'ble High Court, the Deputy Commissioner (Excise) has to revisit the matter and take all circumstances into consideration that needed to complete within the period of three weeks with the inputs from the Excise and Police Department. This time, along with Wine shop owner. Excise officials, Tura Municipal representatives and SP, complainants against the shop were also invited to have a discussion and take their views into account.

The Deputy Commissioner started by informing the complainants certain facts of matter including that the said shop has not violated any norms of the Excise Rule and have procured the permission as per the requirement for opening of wine shop. He also mentioned about the report of Excise officials which suggested that the re-opening of legal wine shop can control the illegal selling of liquor of the area since lot of boot-legging business has been going on in the area. The Chairman then opened up the floor to the house to share their views and suggestions on the matter.

The Representatives Members of the Locality Development Committee of Walbakgre and Niksenggittim Church and Tura Town Church complaint against the re-opening of the wine shop and expressed the sentiments of the local resident under Walbakgre Area were hurt. They mentioned that the shop was opened without consultation with their locality and stated that they do not want any wine shop in the area.

Regarding the matter of shop already given permission as per norms, the locality and church leaders stated that there is the requirement of taking public opinion into consideration *and that the public opinion was clearly not in favour of the shop and all people of that area are vehemently against opening of the shop. The Excise officials were asked as to how the people were invited in the original meeting to take public opinion for shifting the shop, to which they replied that the original meeting was called through Nokma of Danakgre under whose jurisdiction the shop falls.*

The Representative of the Tura Municipal Board, Tura, has clarified that Walbakgre locality does not fall under the municipal area and, therefore, is not under the jurisdiction of any development committee. The shop is approximately 200 meters away from Tura Town Church and Niksengittim Church and the nearest educational institution and atleast 300 metres away from nearest development committee, the Walbakgre Dev Committee whose members were present in the meeting as complainants against the shop.

Regarding the question of boot-legging being rampant in the area, the complainants acknowledged the problem. Addressing the matter the Superintendent of Police, Tura also shared that in the area of the existing location of the wine shop, complaint has been reported for many boot legging businesses in the area and asked the locality leaders to give written complaint against the illegal businesses for police to take necessary action on the illegal selling and stop the black market in and around the adjoining area. The Chairman also suggested that re-opening of legal wine shop can control the illegal selling of liquor. However, the complainants still stood their ground that they do not want any wine shop in the area.

Regarding the question of another IMFL 'On' shop present in the area just 105 metres from the wine shop in question, the locality members claimed that the restaurant cum bar was opened with the blessings and prayer of church.

The Representative Members then request Smt. Legitha D. Sangma to shift the wine shop to another location. They also expressed their objection to re-opening of the wine shop in the locality to avoid chances of coming up of more wine shop in the area. They also requested the shop owner to *provide written assurance for shifting of wine shop with specific time*

Smt. Legitha D. Sangma (Licensee) urged that the IMF1. shop was open as per the norms under Meghalaya Excise Act and Rules and requested to the Development Committee Members to not to disrupt the opening of her wineshop as sustainable financial loss has incurred due continuous closure of the shop for last 13 months. She further informed that the wine shop was opened without violating the provisions of the Excise Act or Rule and after obtaining NOC From Danakgre Nokma and meeting was convened as required under Excise Norms.

The locality leaders and Church members continued their opposition to the wine shop till the end and at the insistence of Deputy Commissioner if they want to go back and discuss the matter again with public, said that the public has already expressed their opposition to the wine shop and no further discussion was required with public.

As there is no more agenda to discuss the meeting ended with a vote of thanks by the Chairman.

Sd/-
(Vibhor Aggarwal, IAS),
Deputy Commissioner (Excise).
West Guro Hills, Tura."

(Emphasis supplied)

9. This Court then by order dated 26.03.2026, which is reproduced hereinbelow, apart from noting that the wine store was within the prescribed legal parameters, also directed the impleadment of the persons who had been mentioned in the Report as they were the ones who had raised objections: -

"Mr. N.D.Chullai, learned AAG assisted by Ms. R.Colney, learned GA for the respondents, today has apprised the Court that as per the Meghalaya Excise Act, the distance as per Rule 183 (2) (a), No IMFL and Beer retail 'OFF' and "ON' license shall be established in any area within a distance of 200 (two hundred) meters from any place of public worship or educational institution or hospital.

In the instant case, it is noted that in the Minutes of the meeting held on 19-03-2026, it has been categorically recorded that the wineshop of the petitioner is approximately 200 meters away from Tura Town Church and the Niksenggittim Baptist Church, and also the nearest educational institution is at least 300 metres away from the nearest development committee i.e. the Walbakgre Development Committee, whose members were present in the meeting. It appears therefore, that the petitioner, apart from possessing a valid license to operate the wineshop also comes within the exemptions provided under the Meghalaya Excise Act. However, as objections in the meeting have been raised by the persons who have been noted at page 3 of the report at Sl. No. 3, 4 & 5, before the matter is disposed of, the petitioner is directed to put in an appropriate application for impleading the said persons.

List this matter on 09-04-2026.

Mr. N.D.Chullai, learned AAG also prays for and is allowed to bring the Minutes of the meeting on record by way of an affidavit."

10. The petitioner in compliance with this Court's directions in order dated 26.03.2026, then filed a Misc. Case being MC (WPC) No. 112 of 2026 for impleadment of 3(three) persons who had objected to the wine store, as respondents Nos. 4, 5, 6 & 7, which was allowed by this Court by order dated 09.04.2026, passed in the said

Misc. Case. The newly impleaded respondents thereafter, entered appearance on 21.05.2026, and were allowed 2(two) weeks' time to file affidavit.

11. On oral arguments, Mr. N.D. Chullai, learned AAG assisted by Ms. R. Colney, learned GA for the respondents Nos. 1, 2 & 3, has submitted that the wine store of the petitioner fulfills the legal requirements as per the Meghalaya Excise Act and Rules, and that the fact that the location of the wine store is not within a distance of 200 meters from any place of worship, educational institution or hospital, has well been established in the enquiry, and as such it conforms to the requirement of Rule 183 (2)(a). It is further submitted that even as per Rule 191, which is with regard to ascertainment of local public opinion regarding the number and location of excise shop, the location of the wine store not being under the Tura Municipality, Rule 191 (i)(a) will not be applicable, and as such objections from local bodies therein, would not come into play and rather Rule 191 (ii) (a) would be attracted, wherein only the objections of the owners or occupiers of land are to be considered. The learned AAG then also submits that the Minutes of the meeting dated 19.03.2026 being taken into record, this Court may be pleased to pass necessary orders.

12. Mr. C.C.T. Sangma, learned counsel for the respondents Nos. 4 to 7, has submitted that as there was public opposition to the opening of the wine store of the petitioner, the All Walbakgre Development Committee, held a meeting on 21.01.2025, wherein it was resolved that a formal petition or complaint, be filed before the Deputy Commissioner (Excise)/respondent No. 2. Thereafter, he submits a meeting had been convened by the respondent No. 3 on 20.08.2025, and that in the said meeting it was ascertained that only 21 persons are in favour and 73 persons against the opening of the wine store. With regard to the fact that in the Report dated 19.03.2026, it was recorded that there was another IMFL 'ON' (Restaurant-cum-Bar) shop present in the area just 105 meters away from the wine shop in question, which the locality members had stated was opened with the blessings and prayer of the Church, the learned counsel has submitted that the blessings had been given by Church members and elders of the locality, as they were not aware that the said Restaurant would be serving alcoholic beverages. Learned counsel submits that the same Development Committee had resolved on 14.05.2026, for necessary measures to be taken against the said Restaurant-cum-Bar by filing a complaint and that this has been done on 04.06.2026. He therefore, submits that the prayer of the petitioner be rejected and the

writ petition dismissed in consideration of the objections from the local bodies and individuals. The learned counsel has relied upon a Judgement of this Court in the case of ***Rishan Pariat vs. State of Meghalaya & Ors.*** reported in ***2025 SCC OnLine Megh 1223*** to contend that such matter deserves the consideration of the local community in terms of Rule 191 of the Meghalaya Excise Act, as adopted.

13. In the backdrop of the facts, events and submissions that has been discussed and narrated above, firstly from the aspect of the statutory requirement as stipulated by Rule 183 (2)(a) of the Meghalaya Excise Rules, as amended, which strictly prohibits the setting up of a Retail Liquor Vend within a 200 meter radius from places of public worships, hospitals or educational educations, the petitioner's wine store as per the Reports is in compliance with the provision. The second aspect is that the wine store has been established by the petitioner by obtaining a valid license under the Rules and an NOC also obtained from the land owner in question, as per requirement of Rule 191 (b)(ii)(a), which provides that in cases of areas not situated in a Municipality/Town Committee, the objections of the owners or occupiers were to be considered. Thirdly, is the fact that the shifting of the location from Jengjal to Danakgre was duly

sanctioned and allowed by the competent authority, vide order dated 29.01.2025. Thus, the wine store of the petitioner fulfilled all the conditions necessary for operating the wine store at the new location.

14. The other aspect which however has given rise to the present issue, is the complaints and objections raised by the respondents Nos. 4 to 7, which prima facie show are based on moral grounds, rather than legal or other substantial grounds, that would warrant the revocation of the license and permission accorded to the petitioner by the Excise authorities. The Reports dated 19.12.2025 and 19.03.2026, which have been quoted earlier in this judgment apart from other facts, have however also revealed the existence of another establishment i.e. a Restaurant-cum-Bar at a distance of 105 meters away from the wine store of the petitioner, and also the rampant illegal sale of liquor in the area itself. The objections therefore, of the respondents Nos. 4 to 7, appear to be unsustainable as first even factually, from the proximity view point, the Churches which they represent are located more than 200 meters away, coupled with the fact that an establishment with an 'ON' license is doing business in the vicinity legally. A further consideration that the presence of a legal Retail Vend would surely curb the illegal sale of liquor in the area, also appears to have been overlooked.

15. In the circumstances of the case therefore, though a citizen has no fundamental right to trade or do business in liquor, the same however, being regulated by the State under the Meghalaya Excise Act and Rules, which places restrictions and limitations on such trade of business, the satisfaction or fulfillment of conditions as prescribed, would surely vest the petitioner with a legal right which cannot be taken away except by due process. In the instant case, the petitioner having the requisite licence and permission as stipulated under the Rules, and the objections of the respondents Nos. 4 to 7, being unsustainable in law, there is no reason that they should be a prohibition by the authorities in allowing the petitioner, to operate the wine store at the new location.

16. It is thus ordered accordingly and the writ petition is allowed and disposed of.

JUDGE

Meghalaya
18.06.2026
"V. Lyndem-AR-PS"