

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 5041 of 2007 (A)

PETITIONER:

CHINNAMMA VARGHESE,
AMBATTUKUNNEL HOUSE, RAKKAD, MEKADAMBU P.O.,
VALAKAM VILLAGE, MOOVATTUPUZHA.

BY ADVS.SRI.VIJU ABRAHAM
SRI.JOY C. PAUL
SRI.BENOY K.KADAVAN

RESPONDENTS:

1. ASSISTANT COMMISSIONER OF EXCISE,
ERNAKULAM.
2. CIRCLE INSPECTOR OF EXCISE,
MOOVATTUPUZHA.
3. O.K. POULOSE, S/O.KURIAN,
UTHALAKOTTU, MEKADAMBU P.O., VALAKAM VILLAGE,
MOOVATTUPUZHA.

R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 5041 of 2007 (A)

Dated this the 11th day of November, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record.

2. The petitioner, a resident of a particular locality, filed the writ petition assailing the decision of the respondent authorities to shift toddy shop with T.S. No. 25/05-06 of Moovattupuzha Excise Range to the area where she lives. The challenge was laid on the ground that the site where the toddy shop was proposed to be shifted to is situated within 250 meters from a church. In fact, this Court on 14.02.2007 issued an interim stay against shifting of the shop.

3. Eight years have passed; nothing further has happened. There is no representation for the third respondent, who is said to be the affected person and at whose behest the shop was sought to be shifted.

4. The learned counsel for the petitioner has submitted that since the fact that the authorities have proposed to shift the toddy

shop to a prohibited area has not been contradicted, the stay may be made absolute and the writ petition be disposed of.

5. The learned Government Pleader, on his part, has submitted that it is true that in the light of the interim direction given earlier by this Court, no further steps have been taken for shifting the shop in question.

6. In the facts and circumstances, I am of the opinion that as and when the authorities once again decide to locate any shop in the area which has been objected to by the petitioner, they shall ensure that it does not contravene any provision of law.

With the above observation, this writ petition is disposed of. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

