

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE SMT. JUSTICE P.VASHA**

**MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936**

**WP(C).No. 2581 of 2012 (W)**  
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**PETITIONER(S):**  
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**C.K.ABDUL KHADER  
S/O.MOIDU HAJI, AGED 46 YEARS,  
RESIDING AT NADEEM MANZIL, MARKET ROAD, NEELESWARAM,  
KASARAGOD DISTRICT.**

**BY ADV. SRI.C.K.PAVITHRAN**

**RESPONDENTS:**  
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- 1. THE DISTRICT SUPPLY OFFICER  
KASARAGOD - 671121.**
- 2. THE DISTRICT COLLECTOR  
KASARAGOD - 671121.**
- 3. COMMISSIONER OF CIVIL SUPPLIES  
OFFICE OF THE COMMISSIONER OF CIVIL SUPPLIES  
THIRUVANANTHAPURAM - 695 001.**
- 4. GOVERNMENT OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT  
FOOD & CIVIL SUPPLIES DEPARTMENT  
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

**R1 BY ADV. GOVERNMENT PLEADER, SMT.P.E.REZIYA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
23-02-2015, ALONG WITH WPC. 14001/2009, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS**

- EXT.P-1      TRUE COPY OF MEMO OF CHARGES DATED 4.9.08.
- EXT.P-2      TRUE COPY OF THE EXPLANATION DATED 21.10.08.
- EXT.P-3      TRUE COPY OF LICENCE ISSUED UNDER K.F.D.L.ORDER  
TO AWD - 12.
- EXT.P-4      TRUE COPY OF THE PROCEEDINGS NO.CS4-1673/07 DATED  
28.1.09.
- EXT.P-5      TRUE COPY OF THE MEMORANDUM OF APPEAL.
- EXT.P-6      TRUE COPY OF THE PROCEEDINGS NO.(CS)A5-5713/09 DATED  
24.10.09.
- EXT.P-7      TRUE COPY OF THE INTERIM ORDER DATED 22.5.09 IN WPC  
NO.14001/09.
- EXT.P-8      TRUE COPY OF THE REVISION PETITION DATED 12.11.2009
- EXT.P-9      TRUE COPY OF THE G.O(RT)11/2012 F & CSD DATED 10.1.2012.

**RESPONDENTS' EXHIBITS**      NIL

**//TRUE COPY//**

**PA TO JUDGE**

**P.V.ASHA, J.**

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**W.P.(C).No.2581 of 2012**  
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**Dated this the 31<sup>st</sup> day of March, 2015**

**J U D G M E N T**

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Petitioner approached this Court challenging the cancellation of authorisation to run AWD-12 and AWD-13 and for a direction to restore the authorisation of AWD-12 along with AWD-13. The cancellation was ordered pursuant to seizure of articles, confiscation and a crime registered against him by the Sub Inspector of Police, Chandra Police Station as Crime No.221/2007 under Clause 5 of the Kerala Rationing Order 966 read with Section 7 of the Essential Commodities Act. The petitioner had approached the Commissioner of Civil Supplies as well as the Government as against the orders of cancellation of licence and all these petitions were rejected. The Writ Petitions were filed as against them.

2. During the pendency of the Writ Petition, C.C.No.1334/2007 pursuant to the Crime No.221/2007 of Chandra Police Station has ended in acquittal of the petitioner finding him not guilty of the offences punishable under Section 5 (a) of the Kerala Rationing Order read with Section 3 and 7 of

the Essential Commodities Act, 1955.

3. Producing copy of the judgment dated 19.7.2013 of the Judicial First Class Magistrate Court-I, Hosdurg in C.C.No.1334/2007 the petitioner has submitted a representation, before the District Collector, Civil Station, Kasaragod on 28.1.2015 requesting to reconsider the order of cancellation and to restore the authorisation to run AWD-12 and AWD-13. The representation along with the judgment has been produced in I.A.No.637/2015 in W.P.(C) No.2581/2012.

4. The learned counsel for the petitioner submits that he will be satisfied with a direction to the District Collector to consider and pass orders on the representation in terms of proviso to sub clause 13 of Clause 51 of Kerala Rationing Order.

5. Heard the learned Government Pleader also.

6. According to the proviso to clause 51(13), the District Collector may, on application by persons whose order of appointment has been cancelled, on account of any conviction, re-issue the order of appointment to such person, when such conviction is set aside in appeal or revision. In the case of the petitioner, his licence was cancelled in view of the fact that a crime was registered consequent to the seizure of the articles.

7. In the above circumstances, I direct the District Collector, Kasaragod, who is the 2<sup>nd</sup> respondent in this Writ Petition, to consider and pass orders on Ext.P13 representation dated 28.1.2015, after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a copy of this judgment.

Writ Petition is disposed of accordingly.

Sd/-  
**P.V.ASHA, JUDGE**

rtr/