

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WA.No. 1770 of 2015 () IN WP(C).7918/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 7918/2015 of HIGH COURT OF KERALA
DATED 18-06-2015

APPELLANT(S)/RESPONDENTS :

1. ANNAMANADA GRAMA PANCHAYATH
REPRESENTED BY SECRETARY, PANCHAYATH BUILDING
KALLOOR THEKKUMURI VILLAGE, CHALAKUDY (TALUK)
THRISSUR DISTRICT-680 741.

2. SECRETARY
ANNAMANADA GRAMA PANCHAYATH, PANCHAYATH BUILDING
ANNAMANADA, THRISSUR.

BY ADV. SRI.FRANCO T.J.

RESPONDENT(S)/PETITIONER :

REKHA SHAJIN, AGED 38 YEARS
S/O. LATE SHAJIN NADUMURI, NADUMURI HOUSE
KOMBATHUKADAVU P.O., PUTHENCHIRA VILLAGE
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY SRI.RENJITH THAMPAN (SR.)
BY SMT.P.R.REENA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.A.No. 1770 of 2015

Dated this the 18th August, 2015

JUDGMENT

Shaffique, J.

Respondent Panchayat in W.P(C).No.7918 of 2015 is the appellant, who challenges the judgment dated 18.6.2015 of the learned Single Judge.

2. The Writ Petition was filed by the respondent herein challenging Exhibit P5 by which the request for opening a Beer and Wine Parlour in the Three Star Hotel belonging to the petitioner had been rejected by the Grama Panchayat.

3. Counter affidavit was filed by the respondent supporting the stand taken by them. The learned Single Judge, after evaluating the respective contentions, allowed the Writ Petition quashing Exhibit P5 and directing the second respondent, i.e., the Secretary of the Panchayat to grant permission to conduct Beer and Wine Parlour also in the petitioner's hotel 'Nedumuri Inn'.

4. The learned counsel for the appellant, while impugning the aforesaid judgment, submits that the reason stated by the learned Single Judge is absolutely baseless. It is stated that existence of toddy shops in the Panchayat cannot be a reason for granting Beer and Wine Parlour.

5. Having heard learned counsel on either side and having perused the judgment of the learned Single Judge, we do not think that there is any error in the said judgment. The learned Single Judge after evaluating all the respective contentions had decided to issue the directions. When a plausible view is taken by the learned Single Judge exercising jurisdiction under Article 226 of the Constitution and in the absence of any perversity or illegality in the judgment, we do not think that we will be justified in interfering with the said judgment exercising the appellate jurisdiction. We do not think that there is any valid ground to interfere with the judgment of the learned Single Judge.

Accordingly, the Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**