

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 9385 of 2006 (P)

PETITIONER(S):

**S.UDAYARAJ, S/O. SASI, AGED 30 YEARS,
THUNDATHUKONAM, KOLLAMTHARA, PACHALLOOR P.O.
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE SECRETARY, EXCISE DEPARTMENT
THIRUVANANTHAPURAM.**
- 2. THE COMMISSIONER OF EXCISE,
COMMISSIONARATE OF EXCISE, THIRUVANANTHAPURAM.**
- 3. S.P.RAJESH KUMAR, S/O. SOMAN,
MANAGING PARTNER, M/S. HOTEL PANCHALI,
RAJADHANI BUILDING, EAST FORT, THIRUVANANTHAPURAM.**

**R3 BY ADV. SRI.C.C.THOMAS (SR.)
R1 - R2 BY ADV. SOJAN JAMES, SR. GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JV

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF THE ORDER NO.kc-17177/01 DATED 03.06.2005 ISSUED BY THE 2ND RESPONDENT
- P2 : COPY OF THE JUDGMENT DATED 22.02.2006 IN WPC NO.5193/2006
- P3 : COPY OF THE ORDER NO.XC 7-3110/06 DATED 09.03.2006 ISSUED BY THE 2ND RESPONDENT
- P4 : COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 21.03.2006

RESPONDENTS' EXHIBITS:

- R3(A) : COPY OF THE GOVERNMENT ORDER, G.O.(P) NO.184/2004/TD DATED 22.11.2004 PASSED BY THE GOVT. OF KERALA
- R3(B) : COPY OF THE ORDER, G.O.(RT) NO.426/2001/TD DATED 05.06.2001 PASSED BY THE GOVT. OF KERALA
- R3(C) : COPY OF THE JUDGMENT DATED 07.12.2001 IN OP NO.18318/2001 PASSED BY THIS HONOURABLE COURT
- R3(D) : COPY OF THE ORDER DATED 05.04.2002 IN CCC NO.174/2002 PASSED BY THIS HONOURABLE COURT
- R3(E) : COPY OF THE ORDER NO.XC7-17177/2001 DATED 20.09.2002 PASSED BY THE EXCISE COMMISSIONER
- R3(F) : COPY OF THE ORDER DATED 04.10.2002 IN CCC NO.811/2002 PASSED BY THIS HONOURABLE COURT
- R3(G) : COPY OF THE ORDER NO.XC7-17177/2001 DATED 15.10.2002 PASSED BY THE EXCISE COMMISSIONER
- R3(H) : COPY OF THE ORDER DATED 05.03.2003 IN CCC NO.811/2002 PASSED BY THIS HONOURABLE COURT
- R3(I) : COPY OF HTE JUDGMENT DATED 16.12.2004 IN CON.APPL.(C) NO.3/2003 PASSED BY THIS HONOURABLE COURT
- R3(J) : COPY OF THE ORDER NO.XC7-20502/02 DATED 14.10.2003 PASSED BY THE EXCISE COMMISSIONER
- R3(K) : COPY OF THE JUDGMENT DATED 25.07.2003 IN OP NO.11640/2003 PASSED BY THIS HONOURABLE COURT.
- R3(L) : COPY OF THE JUDGMENT DATED 27.09.2003 IN WA NO.1478/2003 PASSED BY THIS HONOURABLE COURT.

- R3(M) : COPY OF THE ORDER DATED 04.04.2005 IN WPC NO.7551/2005 PASSED BY THIS HONOURABLE COURT.
- R3(N) : COPY OF THE ORDER, GO (RT) NO.25/06/TD DATED 07.01.2006 PASSED BY THE GOVERNMENT OF KERALA
- R3(O) : COPY OF THE JUDGMENT DATED 22.03.2006 IN WPC NO.1136/2006 PASSED BY THIS HONOURABLE COURT
- R3(P) : COPY OF THE ORDER NO.XC6-19698/05 DATED 05.08.2005 PASSED BY THE EXCISE COMMISSIONER
- R3(Q) : COPY OF THE ORDER, GO (RT) NO.100(A)/2005/TD DATED 25.02.2005 PASSED BY THE GOVERNMENT OF KERALA
- R3(R) : COPY OF THE ORDER, GO (RT) NO.234/2005/TD DATED 28.04.2005 PASSED BY THE GOVERNMENT OF KERALA.

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.9385 of 2006

Dated this the 2nd day of June, 2015

JUDGMENT

This writ petition has been filed seeking a writ of certiorari to quash Exts.P1 and P3 and seeking a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent not to renew FL3 licence to M/s.Hotel Panchali (renamed as Hotel B-Six) for the year 2006-07, without considering Ext.P4 objection submitted by the petitioner.

2. Today, when the case was taken up for final hearing, there is no representation for the petitioner. The learned Senior Counsel for the 3rd respondent would submit that at present, the 3rd respondent is not having any FL3 licence for the hotel in question in view of the changed Abkari Policy.

Recording the above submission made by the learned Senior Counsel for the 3rd respondent, this writ petition is closed.

SD/-
ANIL K. NARENDRAN,
JUDGE