

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 1691 of 2015 (J)

PETITIONER:

VANJU KAMAL, AGED 32 YEARS,
S/O LATE S.KAMALASANAN,
RESIDING AT MANJU VILLA,
KADAKKAL P.O., KOLLAM DISTRICT-691 536.

BY ADV. SRI.JOE JOSEPH KOCHIKUNNEL

RESPONDENTS:

1. STATE OF KERALA REP. BY THE SECRETARY TO
TAXES DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY EXCISE COMMISSIONER,
KOLLAM - 691 635.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 1691/2015

PETITIONER'S EXHIBITS:

EXT. P1 A PHOTOCOPY OF THE LICENCE IN FORM FL3 DATED 29.09.1988
ISSUED BY EXCISE COMMISSIONER

EXT. P2 PHOTOCOPY OF THE JUDGMENT IN WA 357/2002 DATED 19.11.2014

EXT. P3 PHOTOCOPY OF THE G.O.(MS)NO.56/2014/TD DATED 02.04.2014
ISSUED BY THE FIRST RESPONDENT

EXT. P4 PHOTOCOPY OF THE ORDER DATED 14.08.2014 IN WA 1131/2014

EXT. P5 PHOTOCOPY OF THE ABKARI POLICY G.O.(MS) NO.139/2014/TD
DATED 22.08.2014

EXT. P6 PHOTOCOPY OF THE NOTICE DATED 27.08.2014 ISSUED TO HOTEL
HILLWAY, KADAKKAL

EXT. P7 PHOTOCOPY OF G.O.(P0nO.141/2014/TD DATED 27.08.2014

EXT. P8(a) PHOTOCOPY OF THE NEWS PAPER REPORTS APPEARED IN
INDIAN EXPRESS DATED 11.09.2014

EXT. P8(b) PHOTOCOPY OF THE NEWS PAPER REPORTS APPEARED IN
INDIAN EXPRESS DATED 12.09.2014

EXT. P9 PHOTOCOPY OF THE SALES FIGURES (IN TERMS OF VALUE) OF
VARIOUS CATEGORY OF FL-3 LICENCES SUBMITTED BY THE GOVERNMENT
IN THE AFFIDAVIT DATED 28.08.2013 BEFORE THE HON'BLE SUPREME
COURT

EXT. P10(a) PHOTOCOPY OF THE NEWS PAPER REPORTED IN INDIAN
EXPRESS DAILY DATED 27.05.2014

EXT. P10(b) PHOTOCOPY OF THE NEWS PAPER REPORTED IN INDIAN
EXPRESS DAILY DATED 02.07.2014

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.1691 of 2015 J

Dated this the 16th day of January, 2015

JUDGMENT

This writ petition is filed by the petitioner seeking the following reliefs:

- i. To call for the records leading to Exhibit P5 order issued by the second respondent vide G.O.(MS)No.139/2014/T.D. dated 22.08.2014 and quash the same by the issuance of a writ of certiorari or any other appropriate writ, order or direction to the extent it curtails the bar facility in petitioner's hotels.
- ii. To call for the records leading to Exhibits P3, P5, P6 and P7 and quash the same by the issuance of writ of certiorari or any other appropriate writ, order or direction.
- iii. To declare that petitioner is entitled for the renewal of FL-3 licence of Hotel Hillway, Kadakkal, if the Government permits renewal of FL-3 licences of any category under the Foreign Liquor Rules.
- iv. To issue such other writs, orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. The issue involved in this writ petition is covered by the decision reported in **Xavier's Residency v. State of Kerala** (2014 (4) KLT 419). Accordingly, the present writ petition is also disposed of on the same lines.

Dama Seshadri Naidu, Judge

tkv