

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 2077 of 2015 (H)

PETITIONERS :

- 1. RAMACHANDRAN, AGED 54 YEARS,
S/O.RAGHAVAN, KARAYIL HOUSE, KAIPPAMANGALAM VILLAGE,
KODUNGALLUR TALUK, THRISSUR DISTRICT.**
- 2. SASANKAN, S/O.KRISHNANKUTTY,
PANGATTU HOUSE, S.N.PURAM VILLAGE,
KODUNGALLUR TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW**

RESPONDENTS :

- 1. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM - 695 033.**
- 2. THE DEPUTY COMMISSIONER OF EXCISE
THRISSUR - 680 001.**
- 3. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, KODUNGALLUR,
THRISSUR DISTRICT -**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: PHOTOCOPY OF THE GUIDELINES FOR THE EXTENSION OF
PRIVILEGE TODDY SHOPS FOR THE YEAR 2015 - 2016 ISSUED BY THE
EXCISE COMMISSIONER.
- EXT.P2: PHOTOCOPY OF THE CRIME AND OCCURRENCE REPORT,
CR.NO.3/2015, REGISTERED BY THE 3RD RESPONDENT.
- EXT.P2(A): ENGLISH TRANSLATION OF EXT.P2.
- EXT.P3: PHOTOCOPY OF THE MAHAZAR DATED 04/01/2015 PREPARED BY THE
C.I. OF EXCISE, EXCISE ENFORCEMENT & ANTI NARCOTIC SPECIAL
SQUAD, THRISSUR.
- EXT.P3(A): ENGLISH TRANSLATION OF EXT.P3.
- EXT.P4: PHOTOCOPY OF THE LETTER DATED 07/01/2015 SUBMITTED BEFORE
THE 1ST RESPONDENT.
- EXT.P5: PHOTOCOPY OF THE ORDER NO. XA2-516/2015 DATED 08/01/2015
PASSED BY THE 1ST RESPONDENT.
- EXT.P5(A): ENGLISH TRANSLATION OF EXT.P5.
- EXT.P6: PHOTOCOPY OF THE REPLY DATED 13/01/2015 SENT TO THE 1ST
RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

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P.A. TO JUDGE

bp

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2077 of 2015 (H)

Dated this the 28th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioners filed the writ petition questioning Ext.P5 through which the first respondent suspended the petitioners' toddy shop licence on the allegation that spirit was seized from a person, who allegedly has connection with the petitioners.

3. The learned counsel for the petitioners has submitted that even going by the averments in Ext.P2 FIR and Ext.P3 mahazar, the extra judicial confession, it is apparent that the first accused, who was allegedly in possession of the spirit, was connected to the 4th accused , who, in turn, was sought to

be projected as a benami of the petitioners. It is, according to the learned counsel, is far-fetched and totally unbelievable. According to him, there is no other evidence than the mere allegation that the first accused, through the 4th accused, is connected to the petitioners, who are accused Nos. 2 and 3 in the crime.

4. The learned Government Pleader, on her part, has strenuously contended that the link has been clearly established, inasmuch as the toddy transport licence issued earlier to the petitioners was found with the first accused, and that at this stage, prima facie evidence is sufficient for the first respondent to exercise his powers to issue Ext.P5.

5. Be that as it may, in response to Ext.P5 proceedings issued by the first respondent, the petitioners have already submitted their explanation through Ext.P6. It meets the ends of justice if the writ petition is disposed of with a direction to the first respondent to consider the petitioners' Ext.P6 representation and pass appropriate orders thereon, as

expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. It is made clear that the first respondent shall consider Ext.P6 undueinfluenced by any observations made by this Court while disposing of the present writ petition. It is further made clear that till the first respondent issues orders pursuant to Ext.P6 explanation submitted by the petitioners, Ext.P5 stands suspended.

sd/- DAMA SESHADRI NAIDU, JUDGE.

