

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 5167 of 2013 (U)

PETITIONER(S):

**SUBASH SOMAN, MANAGING DIRECTOR,
M/S. ROHINI GLOBAL MERCHANDISE (P) LTD.
KUNNIKODE. P.O., KOLLAM.**

**BY SRI.N.DHARMADAN, SENIOR ADVOCATE.
ADV. SMT.D.P.RENU**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
EXCISE DEPARTMENT, THIRUVANANTHAPURAM-695 001.**
- 2. THE EXCISE COMMISSIONER,
OFFICE OF THE EXCISE COMMISSIONER,
THIRUVANANTHAPURAM-695 001.**
- 3. DEPUTY COMMISSIONER,
EXCISE DEPARTMENT, KOLLAM-691 001.**

BY GOVT. PLEADER SRI.JUSTIN JACOB.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 5167 of 2013

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“(a) issue a writ of mandamus or other writ or other direction directing the respondents 1 and 2 to consider Exhibit P1 and grant FL-3 licence to the “Hotel Rohini Hills” constructed by the petitioner at Kunnikode, Kollam owned by the company in the light of the direction in Exhibit P2 and other judgments of this Hon'ble Court and apex court forthwith;

(b) to declare that the petitioner is entitled to the grant of FL-3 licence considering the applications Exhibit P1 for running the “Hotel Rohini Hills” under the provisions of Abkari Act and Rules without any delay;

(c) issue such other orders as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case.

(d) to issue a writ of certiorari or other writ or order or direction to call for the papers leading upto Exhibit P4 and quash Exhibit P3 and all

further steps taken by the respondents pursuant to the same for denial of FL-3 licence to the petitioner for pruning his hotel.”

2. The learned counsel for the petitioner has submitted that in view of recent changes in Abkari Policy by the Government, the petitioner is willing to submit a fresh application in consonance with the policy formulated or yet to be formulated by the Government for the years 2014-2015. Consequently, she also seeks leave to withdraw the present writ petition without prejudice to the petitioner's right to file a fresh application as has been indicated above.

3. The learned Government Pleader has not seriously opposed the request of the petitioner.

In the facts and circumstances, this writ petition is dismissed as withdrawn granting liberty to the petitioner to file a fresh application in consonance with the extant Government policy as well as the statutory regulations governing the issue.

DAMA SESHADRI NAIDU
JUDGE

DMR/-