

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG. CHIEF JUSTICE MR. ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE A.M. SHAFFIQUE

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 2713 of 2015 (L)

PETITIONER(S):

1. SASIDHARAN
S/O. VASU, LICENCE, TS NO.14
GROUP NO.III, KILIKOLLUR, KOLLAM EXCISE RANGE
RESIDING AT CHALUVILA VEEDU, ELAMPALLOOR P.O.
PUNUKANNOOR, KOLLAM.
2. K.P.SAJI
S/O.PRABHAKARAN, KUZHUMBIL PUTHENVEEDU
AMBALATHUMKALA P.O., EZHUKODE, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S):

1. THE STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD P.O
THIRUVANANTHAPURAM-695014.
2. THE DISTRICT POLICE CHIEF (COMMISSIONER OF POLICE, KOLLAM CITY)
POLICE DISTRICT HEADQUARTERS, KOLLAM-1.
3. THE CIRCLE INSPECTOR OF POLICE
ERAVIPURAM P.O., KOLLAM DISTRICT-691011.
4. THE SUB INSPECTOR OF POLICE
KILIKOLLUR POLICE STATION, KILIKOLLUR P.O.
KOLLAM DISTRICT-691004.
5. THE DEPUTY COMMISSIONER OF EXCISE
EXCISE COMPLEX, CHINNAKKADA, KOLLAM-691001.
6. THE CIRCLE INSPECTOR OF EXCISE, KOLLAM
EXCISE COMPLEX, CHINNAKKADA
KOLLAM-691001.
7. SMT.ASOORA BEEVI
D/O.BEEVI, KALLUMTHAZHAM THODIYIL, UNIVERSAL NAGAR-22
KALLUMTHAZHAM P.O., KILIKOLLUR, KOLLAM DISTRICT-691004.

8. SRI.SHAJAHAN

S/O.THANGAL KUNJU, KALLUMTHAZHAM THODIYIL
UNIVERSAL NAGAR-22, KALLUMTHAZHAM P.O., KILIKOLLUR
KOLLAM DISTRICT-691004.

9. SHIRAZ

S/O.SHAJAHAN, KALLUMTHAZHAM THODIYIL
UNIVERSAL NAGAR-22, KALLUMTHAZHAM P.O., KILIKOLLUR
KOLLAM DISTRICT-691004.

R1-6 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE TAX RECEIPT AND ITS ENGLISH TRANSLATION IN RESPECT OF TE PROPERTY ISSUED TO THE 2ND PETITIONER.

EXHIBIT P2: TRUE COPY OF THE RELEVANT PAGES OF THE LICENCE ISSUED TO T.S. No. 14/2014-15 AND ITS ENGLISH TRANSLATION.

EXHIBIT P3: TRUE COPY OF THE ABOVE PERMIT ISSUED BY THE DEPUTY COMMISSIONER OF EXCISE, PALAKKAD TO THE 1ST PETITIONER.

EXHIBIT P4: TRUE COPY OF THE COMPLAINT DATED 24.1.2015 FILE BY THE 1ST PETITIONER BEFORE THE 4TH RESPONDENT AND ITS ENGLISH TRANSLATION

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 2713 OF 2015

Dated this the 4th day of February, 2015

JUDGMENT

Shaffique, J.

Petitioners have approached this Court seeking police protection in the matter relating to conduct of a toddy shop for which license has been issued as per Ext.P2 dated 08.01.2015. License is valid till 31.03.2015 and the permission is to conduct a toddy shop, TS No.14, Kilikollur of Kollam Excise Range. Ext.P2 indicates that the location of the toddy shop is in a building No.KMC/VII/1272-302-A situated in Resurvey No.462/10 of Kilikollur Village.

2. Complaint of the petitioner is that respondents 7 to 9 are obstructing the conduct of toddy shop. They have threatened the workers of the toddy shop. The toddy shop is being conducted by some workers and petitioners represent them. Though complaint was filed before the Police, no action has been taken in the matter and therefore, petitioners have approached this Court seeking police protection.

3. Though notice is issued to the private respondents, notice to respondents 8 and 9 are returned as unserved. According to learned counsel for the petitioner, respondents 8 and 9 are residing in the same address of 7th respondent and they are very well aware of the notice served on the 7th respondent.

4. Learned Government Pleader on instructions submitted that toddy shop was not working for quite some time and it is by virtue of license at Ext.P2 that petitioners have attempted to start the toddy shop. Obstruction is created by certain residents in the locality.

5. Having regard to the aforesaid factual situation, it is clear that the petitioner is entitled to conduct the toddy shop in the premises and petitioners are having valid license from competent authorities. If there is any law and order situation in conducting the toddy shop, it is for the Police to interfere and ensure maintenance of law and order.

Under such circumstances the Writ Petition is disposed of directing the Police to ensure maintenance of law and order in the area.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**