

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**

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 2780 of 2015 (S)

PETITIONER:

**M.A.JOHN MADAMANA, AGED 61 YEARS,
S/O ANTONY, STATE GENERAL SECRETARY,
KERALA PRADESH MADHYA VIRUDHA SAMITHY,
CHERTHALA P.O, ALAPPUZHA DISTRICT, PIN - 688 524.**

BY ADV. SRI.K.C.SUDHEER

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.**
- 2. SECRETARY TO GOVERNMENT,
EXCISE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.**

BY SENIOR GOVERNMENT PLEADER SRI.P.IDAVIS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

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W.P.(C) No. 2780 of 2015

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Dated this the 29th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

This writ petition filed as a public interest litigation
praying for the following reliefs:

- “i) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents not to restart the operations of Beverages Outlets on Sundays.
- ii) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents to file a report regarding the money expended for the rehabilitation package to the patients who are the victims of liquor including de-addiction packages.”

2. The learned counsel for the petitioner submits that the Government has declared liquor policy to the effect that Government shall gradually reduce the consumption of liquor. It is submitted that the earlier Sunday was dry day which was reversed and he thus prays that direction be issued to not to restart the

operation of beverages outlets on Sunday.

3. The 2nd prayer in the writ petition as noted above is a direction commanding the respondents to file a report regarding the money expended for the rehabilitation package to the patients, who are the victims of the liquor including de-addiction packages.

4. We have considered the submission and perused the records.

5. The question as to how the liquor policy is to be implemented, whether a particular day be declared as dry day are all in the domain of the policy making. It is for the Government to consider such issues and take appropriate steps as per its policy. This Court in exercise of its jurisdiction, shall not issue a mandamus as prayed for in the writ petition to command the respondents not to restart the operation of beverages outlets on Sunday.

6. Coming to the 2nd prayer directing the respondents to file a report regarding the money expended for rehabilitation package to the patients, who

are the victims of liquor, in the writ petition, there are no materials or detail even to direct for filing the report. This Court in exercises of its jurisdiction, shall not enter into fishing and roving enquiry to get materials as prayed for by the petitioner. A public interest litigation is a serious affair for which the petitioner, who is approaching the Court has to make research and file all the relevant data. The writ petition lacks any details for issuing any direction for filing the report as prayed for.

In above view of the matter, none of the reliefs claimed by the petitioner can be granted and the Writ petition is dismissed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE