

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 3472 of 2015 (H)

PETITIONER: -

R..BHUVANACHANDRAN, AGED 56 YEARS,
S/O. RAMAN NADAR, VALANVILA,
VAZHITHALAKKAL VEEDU,
MUKKOLA, MULLOOR P.O., THIRUVANANTHAPURAM.

BY ADVS.SRI.S.V.RAJAN
SRI.R.SUDHISSH
SMT.M.MANJU
SRI.R.SANTHOSH (VARKALA)
SRI.C.P.JAGADESH
SRI.JACOB.T.KOSHY

RESPONDENTS: -

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, EXCISE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
KERALA STATE-695001.
2. THE COMMISSIONER OF EXCISE,
STATE OF KERALA, THIRUVANANTHAPURAM-695001.
3. THE ASSISTANT EXCISE COMMISSIONER,
FORT, THIRUVANANTHAPURAM-695023.
4. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, NEYYATTINKARA,
NEYYATTINKARA P.O., THIRUVANANTHAPURAM-695121.

BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3472 of 2015

Dated this the 05th day of October, 2015

JUDGMENT

Earlier, this Court, through its order dated 04.02.2015, expressed its displeasure at the respondents' not implementing the directions in the earlier judgments. Accordingly, I directed the respondents to file their defence, if any.

2. Today, the petitioner has come up with I.A. No.14042/2015 seeking leave to withdraw the writ petition with liberty to file a fresh petition.

3. A perusal of the affidavit filed in support of the Interlocutory Application reveals that the petitioner came to know, by taking recourse to Right to Information Act, that the whole amount recovered from him through the revenue recovery proceedings had been credited towards Abkari dues. The petitioner further pleads that the excess amount which has been recovered from him has to be, first, adjusted towards the sale-dues.

4. Under the above facts and circumstances, the petitioner seeks the leave of this Court to withdraw the

present writ petition and to file a fresh one on the same cause of action.

Having been satisfied with the reasons pleaded in the Interlocutory Application, this Court dismisses the writ petition as having been withdrawn by the petitioner by granting liberty to the petitioner to file afresh.

DAMA SESHADRI NAIDU
JUDGE

DMR/-