

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3831 of 2015 (D)

PETITIONER:

ALL SEASON BACK WATER RESORT,
NEAR THEVALLY BRIDGE, MATHILIL P.O,
KOLLAM DISTRICT, KERALA 691 601
REP. BY ITS PROPRIETOR DARWIN CRUZ

BY ADV. SRI.SAJU J PANICKER

RESPONDENTS:

1. STATE OF KERALA REP. BY ITS SECRETARY,
TAXES(A) DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY COMMISSIONER OF EXCISE,
KOLLAM - 691 001.
4. CIRCLE INSPECTOR OF EXCISE,
KOLLAM - 691 001.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 3831 of 2015 (D)

PETITIONER'S EXHIBITS:

EXHIBIT P1 THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE MINISTRY OF TOURISM,GOVERNMENT OF INDIA CLASSIFYING THE HOTEL AS A FOUR STAR CATEGORY

EXHIBIT P2 THE TRUE COPY OF THE ENVELOPE SENT BANK TO THE PETITIONER

EXHIBIT P3 THE TRUE COPY OF THE 1ST PAGE OF THE APPLICATION SUBMITTED BEFORE THE 4TH RESPONDENT

EXHIBIT P4 THE TRUE COPY OF THE COVERING LETTER OF THE APPLICATION DATED 19-07-2014

EXHIBIT P5 THE TRUE COPY OF THE JUDGMENT DATED 2-12-2014 IN WPC 6153/2014 OF THE HON'BLE HIGH COURT

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.3831 of 2015 D

Dated this the 6th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents 1 to 4, 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. Briefly stated, the petitioner, having a hotel with four star facility, applied to the fourth respondent for FL-3 licence. Complaining of what is said to be inordinate delay in considering the petitioner's request by the fourth respondent, it has approached this Court.

3. The learned counsel for the petitioner has submitted that the issue stands concluded through a judgment of this Court in **Xaviers Residency v. State of Kerala** (2014 (4) KLT 419).

4. The learned Government Pleader, on the other hand, has submitted that the fourth respondent does not have any objection to consider Exhibit P3 application of the petitioner in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to respondents 1 and 2 to consider Exhibit P3 application of the petitioner, once it is forwarded by the fourth respondent, in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv