

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 6608 of 2013 (A)

PETITIONER:

K.P.KARTHIKEYAN,
MANAGING DIRECTOR, HOTEL EAKACHAKRA RESIDENCY,
UDAYAMPEROOR P.O., ERNAKULAM DISTRICT, PIN-682 307.

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, TAXES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM-695 033.
3. K.C.MATHEW,
TRUSTEE, UDAYAMPEROOR OLD CHURCH (SUNAHADOSE CHURCH),
UDAYAMPEROOR, ERNAKULAM DISTRICT, PIN-682 307.

ADDL. R4 IMPEADED:

4. JAMES MATHEW, S/O. P.C. MATHEW, AGED 60 YEARS,
TRUSTEE, UDAYAMPEROOR SUNNAHADOSE CHURCH,
UDAYAMPEROOR, RESIDING AT PALLIADIL HOUSE,
UDAYAMPEROOR P.O.,
PIN : 682 307.

(ADDL.R4 IS IMPEADED AS PER ORDER DATED 04.12.2013
IN I.A. NO. 16465/2013)

R3 BY ADV. SRI.S.SREEKUMAR (SR.)
RADDL.4 BY ADV. SRI.P.MARTIN JOSE
R3 BY ADV. SRI.P.PRIJITH
R2 BY ADV. SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DAMA SESHADRI NAIDU, J.

W.P.(C). No. 6608 of 2013-

Dated this the 20th day of July, 2015.

JUDGMENT

The learned counsel for the petitioner has submitted that in the light of the change in policy adopted by the Government, the writ petition has become infructuous. He has further submitted that the issue of distance norm may have to be kept alive so that it could be resolved when the petitioner applies for any other abkari licence in future.

Recording the said submission of the learned counsel for the petitioner, this Court dismisses the writ petition as having been withdrawn, leaving, however, it open for the petitioner to agitate the issue of the distance norm concerning the establishment of the petitioner's abkari shops, as and when a fresh cause of action arises in his favour.

sd/- DAMA SESHADRI NAIDU, JUDGE.

