

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 5456 of 2014 (F)

PETITIONER(S):

**SUBASH SOMAN, MANAGING DIRECTOR,
ROHINI GLOBAL MERCHANDISE PVT. LTD.,
KUNNIKODE, PATHANAPURAM, KOLLAM.**

**BY SRI.N.DHARMADAN, SENIOR ADVOCATE.
ADV. SMT.D.P.RENU.**

RESPONDENT(S):

- 1. THE PRESIDENT,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**
- 2. VICE PRESIDENT,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**
- 3. VILAKUDY GRAMA PANCHAYAT (SPECIAL GRADE),
REP. BY THE SECRETARY, VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**
- 4. SRI.ASHRAF, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**
- 5. SRI.SAJEEVAN, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**
- 6. SMT.SREEKALA, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**
- 7. SMT.SHAHITHA BEEVI, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**
- 8. SRI.RADHAKRISHNAN NAIR,
MEMBER, VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.**

9. SMT.LAILA. P., MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
10. SMT.ADABIA NAZAR, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
11. SRI.SOMARAJAN. P., MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
12. SRI.BHARGAVAN PILLAI, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
13. SRI.JITHESH KUMAR, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
14. SMT.SREEDEVI AMMA, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
15. SMT.REJEENA, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
16. SMT.MINIMOL SURENDRAN, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
17. SMT.AJITHA SURESH, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
18. SMT.SULETHA RAJEEVAN, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
19. SRI.AJIMOHAN. M., MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
20. SRI.VINOD, MEMBER,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.
21. SRI.SHAJAHAN. J.,
VILAKUDY GRAMA PANCHAYAT,
KUNNIKODE. P.O., KOLLAM-691 508.

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**22. THE EXCISE COMMISSIONER,
OFFICE OF THE EXCISE COMMISSIONER,
THIRUVANANTHAPURAM-695 001.**

**R1 TO R21 BY ADV. SRI.C.R.SIVAKUMAR.
R22 BY GOVT. PLEADER SRI.JUSTIN JACOB.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 5456 of 2014

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“(a) issue a writ of certiorari or other writ or order calling for the papers leading upto Exhibit P7 and quash Exhibit P1 and all further steps taken pursuant to the same to deny NOC to the petitioner;

(b) issue a writ of mandamus or other writ or order or direction to the respondents to reconsider immediately Exhibit P1 and issue NOC for the grant of FL-11 licence so as to enable the petitioner to produce the same before the 22nd respondent without any delay;

(c) issue a writ of mandamus or other writ or order or direction directing the 22nd respondent to consider his application and grant FL-11 licence without insisting NOC from the 3rd respondent;

(d) to declare that the petitioner is entitled to grant of FL3 and FL11 licence for running bar hotel already started by the petitioner for catering to the needs of the tourists and public at

large in this area without NOC from the Panchayat;

(e) issue such other orders as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case.

(f) issue a writ of certiorari or other writ or order or direction to quash Exhibit P9 and all further steps taken pursuant to the same to deny FL3 and FL11 licence to the hotel run by the petitioner and issue the same forthwith without insisting any NOC from the 3rd respondent Panchayat."

2. The learned counsel for the petitioner has submitted that in view of recent changes in Abkari Policy by the Government, the petitioner is willing to submit a fresh application in consonance with the policy formulated or yet to be formulated by the Government for the years 2014-2015. Consequently, she also seeks leave to withdraw the present writ petition without prejudice to the petitioner's right to file a fresh application as has been indicated above.

3. The learned Government Pleader has not seriously opposed the request of the petitioner.

In the facts and circumstances, this writ petition is

dismissed as withdrawn granting liberty to the petitioner to file a fresh application in consonance with the extant Government policy as well as the statutory regulations governing the issue.

DAMA SESHADRI NAIDU
JUDGE

DMR/—