

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 8461 of 2013 (G)

PETITIONER:

G.SASIDHARAN,
S/O.GOVINDAN, SAMRDHI, ORUVATHILKOTTA,
ANAYARA P.O, THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

1. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.
2. THE DEPUTY COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.
3. N.SYAMALA DEVI,
W/O.LATE SREENIVASAN, VP 446 (OLD),
(NEW) THIRUVANANTHAPURAM CORPORATION, C/O.RAJA HOTEL,
KOVALAM.

R3 BY ADV. SRI.K.B.PRADEEP
R3 BY ADV. SRI.ASHOK SURESH
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE REQUEST GIVEN BY THE 3RD RESPONDENT ON 4.12.2006.

EXHIBIT P2. TRUE COPY OF THE ORDER NO.XC7-32312/06 DATED 12.1.2007.

EXHIBIT P3. TRUE COPY OF THE OBJECTION DATED 16.1.13 PRODUCED BY THE 3RD RESPONDENT WHICH WAS OBTAINED BY THE PETITIONER ON APPLICATION UNDER THE RIGHT TO INFORMATION ACT.

EXHIBIT P4. TRUE COPY OF THE REPORT NO.N.T.C 46/2010 DATED 22.3.2013.

EXHIBIT P5. TRUE COPY OF THE AGREEMENT DATED 30.03.2010.

EXT.P6: TRUE COPY OF THE JUDGMENT IN WA NO.1049/2005 DATED 8.1.2009.

EXHIBIT P7. TRUE COPY OF THE APPLICATION FOR THE RENEWAL OF FL-3 LICENSE GIVEN BY THE PETITIONER.

EXHIBIT P7: TRUE COPY OF THE RELEVANT PAGES OF THE OFFICE NOTE OF THE 1ST RESPONDENT OBTAINED ON APPLICATION UNDER THE RIGHT TO INFORMATION ACT.

EXHIBIT P8: TRUE COPY OF THE ORDER NO.XC7. 2625/2013 DATED 30.03.2013 ISSUED BY THE EXCISE COMMISSIONER.

EXHIBIT P9: TRUE COPY OF THE G.O.(P) NO. 211/2014/TD DATED 30.12.2014.

EXHIBIT P10: TRUE COPY OF THE APPLICATION GIVEN BY THE PETITIONER FOR THE GRANT OF FL-11 LICENCE.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 8461 of 2013 (G)

Dated this the 13th day of November, 2015.

JUDGMENT

Heard both sides.

2. In the light of the ratio laid down in Ext.P6 judgment, this Court disposes of the writ petition on the same lines applying the ratio laid down by the learned Division Bench in the aforesaid decision.

Consequently, respondents 1 and 2 are directed to consider the petitioner's application to renew the licence without insisting on a 'No objection' from the owner of the building.

sd/- DAMA SESHADRI NAIDU, JUDGE.

