

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 13394 of 2007 (T)

PETITIONER : -

RAJAN K.N., S/O. NARAYANAN, AGED 47 YRS,
NADVILEVEEDU, PAZHANTHOTTAM P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI. SANJITH R.
SMT. SINDHU KRISHNA

RESPONDENTS : -

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY EXCISE,
SECRETARIAT, THIRUVANANTHAPURAM.
2. COMMISSIONER OF EXCISE,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM.
3. THE ASSISTANT EXCISE COMMISSIONER,
ERNAKULAM.
4. MAMALA RANGE TODDY TAPPERS CO-OPERATIVE SOCIETY,
REGISTRATION NO.1050, MAMALA,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI. H.B. SHENOY
R1-R3 BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : TRUE COPY OF THE MASS PETITION FILED BY THE PEOPLE IN
THE LOCALITY TO THE 3rd RESPONDENT.

EXHIBIT P2 : COPY OF THE PETITION FILED BEFORE R3.

RESPONDENTS' EXHIBITS :

EXHIBIT R3(a) : COPY OF THE CERTIFICATE No.14765/2013 DATED 13.12.2013
ISSUED BY THE AIKKARANADU GRAMA PANCHAYATH.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 13394 of 2007

Dated this the 18th day of August, 2015

JUDGMENT

The petitioner, a resident of a particular locality, has a grievance that the toddy shop belonging to the fourth respondent has been functioning within the prohibited area. Complaining against the in-action of the authorities in acting on his representations, the petitioner has filed the present writ petition.

2. The Assistant Excise Commissioner, Ernakulam, the third respondent, has filed a counter affidavit. It is averred in the counter affidavit that the toddy shop in question was shifted and has been presently functioning in a building which is beyond the prohibited zone. In support of the said contention, the third respondent has placed on record Exhibit R3(a).

3. The learned counsel for the petitioner has submitted that in the light of the subsequent developments and especially the averments made in the counter affidavit, the petitioner's grievance stands redressed.

Accordingly, the writ petition is closed as having not survived for further consideration. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-