

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 6935 of 2015 (N)

PETITIONERS : -

1. LAILA CHERIAN, AGED 60 YEARS,
W/O. CHERIAN VARKEY, MAJOORAN HOUSE,
ASAN LANE, ALUVA 683 101.
2. M.V. JOSE, S/O. LATE M.C. VARKEY,
MAJOORAN HOUSE, ASAN LANE,
ALUVA 683 101.
3. B.R. BYJU, S/O. LATE K RAMAKRISHNAN,
BIJU NIVAS, CHENGAMANADU, ERNAKULAM - 683 578.

BY ADVS. SRI. P. B. SAHASRANAMAN
SRI. T. S. HARIKUMAR
SRI. K. JAGADEESH
SRI. RAAJESH S. SUBRAHMANYAN

RESPONDENTS : -

1. STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY,
TAXES (A) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
2. THE EXCISE COMMISSIONER, COMMISSIONERATE OF EXCISE,
RISHI MANAGALAM, VANCHIYOOR PO,
THIRUVANANTHAPURAM 695 033.
3. THE JOINT EXCISE COMMISSIONER, CENTRAL ZONE,
KOCHI 682018.
4. DEPUTY EXCISE COMMISSIONER,
OFFICE OF THE DEPUTY EXCISE COMMISSIONER,
ERNAKULAM 682018.

BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS : -

- EXHIBIT P1: TRUE PHOTOCOPY OF THE FL-3 LICENSE ISSUED TO THE FATHER OF THE 3RD PETITIONER, LATE NARAYANAN, WHICH WAS LATER ON TRANSFERRED TO HIM DATED 28.8.1990.
- EXHIBIT P2: TRUE PHOTOCOPY OF THE G.O.(MS) NO.12/2013/TD DATED 23.1.2013 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P3: TRUE COPY OF THE NOTICE NO.XC6- 2059/2014, DATED 27.8.2014 ISSUED BY THE 2ND RESPONDENT TO THE 1ST AND 2ND PETITIONERS.
- EXHIBIT P4: TRUE PHOTOCOPY OF THE SIMILAR NOTICE ISSUED TO THE 3RD PETITIONER XC6-2059/2014, DATED 27.8.2014 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE SRO NO.520/2014, ON 27.8.2014, KERALA GAZETTEE, EXTRAORDINARY, VOL-III, NO.2146, PUBLISHED ON 27.8.2014 BY THE 1ST RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE GO (P) NO. 211/14/TD, DATED 30.12.2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P7: TRUE PHOTOCOPY OF THE LICENSE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS 1 AND 2 FOR THEIR HOTEL MANJOORAN TOURIST HOME, DATED 7TH JANUARY,2015.
- EXHIBIT P8: PHOTOSTAT COPY OF SIMILAR FL-11, LICENSE ISSUED TO THE 3RD PETITIONER FOR THE ATHANI TOURIST HOME, DATED 5.1.2015.
- EXHIBIT P9: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS 1 AND 2 BEFORE THE 4TH RESPONDENT, DATED 2.3.2015.
- EXHIBIT P10: TRUE COPY OF THE APPLICATION SUBMITTED BY THE 3RD PETITIONER BEFORE THE 4TH RESPONDENT, DATED 2.3.2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 6935 of 2015

Dated this the 28th day of October, 2015

JUDGMENT

It is reported that the issue raised in the present writ petition has already engaged the attention of the Honourable Supreme Court in some other matters pending before it. In that context, the learned counsel for the petitioners pleads that this writ petition may be closed making it clear that the rights of the petitioners shall be subject to the outcome of the proceedings pending before the Honourable Supreme Court.

Accordingly, recording the submission of the learned counsel for the petitioners and making it clear that the rights of the petitioners *vis-a-vis* the issue raised in the writ petition shall be subject to the outcome of the proceedings pending before the Honourable Supreme Court, this Court closes the writ petition.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-