

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 8437 of 2015 (D)

PETITIONERS:

1. G.ANANDAN,
S/O.GOPALAKRISHNAN, COUNCILOR, KOLLAM CORPORATION,
WARD NO. 49(CUTCHERY WARD),
RESIDING AT KELAYATHU PADINJATTATHIL
KOTTAKKAKOM WARD, KOLLAM 691 013.
2. M.S.LAL,S/O.MANI RAM,
P.T.A.PRESIDENT
GOVERNMENT BOYS HIGH SCHOOL, THEVALLY P.O,, KOLLAM,
RESIDING AT DEVI NIVAS, T.D.NAGAR-43, CUTCHERY WARD,
KOLLAM 691 013.
3. KRISHNAVENI G.SHARMA,
W/O.M.GOPALAKRISHNA SHARMA, VRINDAVAN, T.D.NAGAR-134,
CUTCHERY PO, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT (EXCISE), SECRETARIAT,
THIRUVANANTHAPURAM-1.
2. THE COMMISSIONER OF EXCISE,
GOVERNMENT OF KERALA, NANDAVANAM,
THIRUVANANTHAURAM-33.
3. THE DEPUTY COMMISSIONER OF EXCISE,
EXCISE COMPLEX, CHINNAKKADA, KOLLAM 691 001.
4. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL LINES, CUTCHERY P.O.,
KOLLAM 691 013.
5. THE KERALA STATE BEVERAGES MANUFACTURING
& MARKETING CORPORATION LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
SASTHAMANGALAM PO, THIRUVANANTHAPURMA , PIN 695 010
6. THE MANAGER,
THE KERALA STATE BEVERAGES MANUFACTURING
& MARKETING CORPORTION,
WARE HOUSE, KARICODE P.O., KOLLAM 691 005.

R5 & R6 BY ADV. SRI.C.S.AJITH PRAKASH, SC,BEVERAGES CORPORATION
R3 BY ADV. SRI. SHYSON P MANGUZHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE COMNPLAINT FILED BY THE PETITIONERS AND OTHERS BEFORE THE CHIEF MINISTER OF KERALA WITH COPIES TO THE RESPONDENTS 1 TO 6 AND ITS ENGLISH TRANSLATION.

EXHIBIT P2: TRUE COPY OF THE COMMUNICATION DATED 10/10/2014 ISSUED BY THE 7TH RESPONDENT TO THE PETITIONERS.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 8437 of 2015 (D)

Dated this the 3rd day of July, 2015.

JUDGMENT

Heard the learned counsel for the petitioners, the learned Government Pleader and the learned Standing Counsel for respondents 5 and 6, apart from perusing the record.

2. The petitioners, residents of a particular locality, have a grievance that FL-1/2008 retail outlet established in their area has been causing nuisance. In that regard, they are said to have submitted Ext.P1 representation before the Hon'ble Chief Minister, whose office, in turn, forwarded the said application to the officials concerned. Seeking an expeditious action on Ext.P1 representation, the petitioners have approached this Court.

3. In response to the submissions made by the learned counsel for the petitioners that there is what is said to be an inordinate delay in the authorities considering Ext.P1 representation, the learned Standing Counsel for the respondent Corporation has submitted that the petitioners, instead of pursuing the matter with the authorities, have straight away rushed to this

Court. At any rate, the learned Standing Counsel, to his credit, has submitted that in terms of Rule 24 of the Foreign Liquor Rules, the second respondent or any other competent authorities may consider Ext.P1 representation of the petitioners in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioners and the learned Standing Counsel as well as the learned Government Pleader, this Court disposes of the writ petition with a direction to the second respondent or any other competent authority to consider the petitioners' Ext.P1 representation in terms of Rule 24 of the Foreign Liquor Rules, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. It is made clear that the petitioners may as well be given an opportunity of hearing at the time of the authorities taking a decision on Ext.P1 representation.

sd/- DAMA SESHADRI NAIDU, JUDGE.

