

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 10651 of 2015 (F)

PETITIONER:

P.N. VIJAYAN, AGED 60 YEARS,
S/O.NARAYANAN, PLAMTHOTTATHUKUNNEL HOUSE,
ANGAMALY DESOM, ALUVA TALUK, ERNAKULAM DISTRICT.

BY ADVS.SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW

RESPONDENTS:

1. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM-695 001.
2. THE DEPUTY COMMISSIONER OF EXCISE,
ERNAKULAM-682 018.
3. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, VARAPPUZHA
ERNAKULAM DISTRICT-683 517.

R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 10651 of 2015 (F)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 PHOTOCOPY OF THE GUIDELINES FOR THE EXTENSION OF PRIVILEGE OF TODDY SHOPS FOR THE YEAR 2015-16 ISSUED BY THE EXCISE COMMISSIONER.

EXT.P2 PHOTOCOPY OF THE CRIME AND OCCURENCE REPORT IN C.R.12/2012 OF VARAPPUZHA EXCISE RANGE.

EXT.P2(A) ENGLISH TRANSLATION OF EXT.P2.

EXT.P3 PHOTOCOPY OF THE ORDER DATED 25.3.2015 IN WP(C)8943/2015 PASSED BY THIS HON'BLE COURT.

EXT.P4 PHOTOCOPY OF THE TODDY TRANSPORT PERMIT NO.448/11 DATED 1.10.2011 ISSUED BY THE DEPUTY COMMISSIONER OF EXCISE,PALAKKAD.

RESPONDENTS' EXHIBITS:

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 10651 of 2015 (F)

Dated this the 27th day of July, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record.

2. The issue involved in this case is covered in favour of the petitioner by the ratio laid down in Sabu and another v. Excise Commissioner (2015(2) KHC 66).

In the light of the ratio laid down in the aforesaid decision, this writ petition is also allowed.

sd/- DAMA SESHADRI NAIDU, JUDGE.

