

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 11046 of 2015 (E)

PETITIONER(S):

**PACHU @ SAJEEV P.R., AGED 44 YEARS,
S/O.RAJAPPAN, VADEKKEKARA P.O., MUNAMBAM KAVALA,
NORTH PARAVOOR, ERNAKULAM.**

**BY ADVS.SRI.SREEKANTH S.NAIR
SRI.M.ZIYAD**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001,
REPRESENTED BY ITS CHIEF SECRETARY.**
- 2. THE CHIEF SECRETARY,
GOVERNEMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE KERALA STATE BEVERAGES (M & M) CORPORATION LTD.,
SREE SASTHAKRIPA OFFICE COMPLEX, SASTHAMANGALAM P.O.,
THIRUVANANTHAPURAM - 695 010,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR.**

**R1 & R2 BY SENIOR GOVERNEMENT PLEADER SRI.K.C.VINCENT
R3 BY ADV. SRI.C.S.AJITH PRAKASH, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.11046 OF 2015
.....

Dated this the 6th April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) by an appropriate writ, order or direction of this Hon'ble Court the respondents may be directed to provide public place near the 3rd respondent's outlet to consume alcohol;

ii) by an appropriate writ, order or direction of this Hon'ble Court the respondents may be directed to enact laws to the effect that consumption of alcohol at public places will not attract any offence under any law now prevailing in State of Kerala.

iii) by an appropriate writ, order or direction of this Hon'ble Court the respondents may be directed to take in rent/arrange or alternate private place near 3rd respondent's outlets providing facilities to the petitioner/people to consume alcohol peacefully;

iv) any other appropriate order or direction, which this Hon'ble Court considers just and proper in the facts and circumstances of the case may kindly be

passed in favour of the petitioner. "

2. The case of the petitioner as put forth by the learned Counsel for the petitioner is that the respondents are making money by virtue of sale of liquor and as such it is obligatory for them to provide a place , so as to enable the persons like the petitioner to have it consumed peacefully instead of taking it to their residence leading to further troubles or/can spoiling peace at the residence.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this Court finds that the petitioner has approached this Court with some fanciful imaginations as to the alleged duty, if at all any on the part of the respondents to provide place for consuming liquor, merely for the reason that the Government has chosen to vend the same, through the agency of the third respondent/State Beverages Corporation. No law is brought to the notice of this Court, casting a duty upon the respondents in any manner, to provide place for consumption of liquor. That apart, the right to sell liquor is not a fundamental right. So much so, there cannot be duty to provide space for consumption or for any reciprocal

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terms. The petitioner has failed to establish a case so as to sustain the reliefs sought for.

Interference is declined and the writ petition is dismissed.

**P.R.RAMACHANDRA MENON
JUDGE**

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