

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 13308 of 2015 (K)

PETITIONER(S) :-

KERALA STATE BEVERAGES (MANUFACTURING & MARKETING)
CORPORATION LIMITED
P.B.NO.2263, SASTHAKRIPA OFFICE COMPLEX
SASTHAMANGALAM P.O, TRIVANDRUM - 695 010
REPRESENTED BY ITS REGIONAL MANAGER N1
MR.SABEERALI P.S.

BY ADV. SRI.C.S.AJITH PRAKASH

RESPONDENT(S) :-

1. COMMISSIONER OF POLICE
KOLLAM CITY, OFFICE OF THE COMMISSIONER OF POLICE
KOLLAM DISTRICT - 691 001.
2. CIRCLE INSPECTOR OF POLICE
OFFICE OF THE CIRCLE INSPECTOR OF POLICE,
KOLLAM - 691 001.
3. THE SUB INSPECTOR OF POLICE
WEST POLICE STATION, KOLLAM DISTRICT - 691 001.
4. KRISHNAVENI
DISTRICT PRESIDENT, MAHILA CONGRESS
DISTRICT CONGRESS COMMITTEE (DCC) OFFICE,
KOLLAM - 691 001.
5. ANANDAN
COUNCILOR, KACHERI DIVISION
KOLLAM CORPORATION - 691 001.
6. RAVI
KUZHEECKAL, VIDYANAGAR, KOTTAKKAKAM
KOLLAM - 691 001.

7. BIJU

THARAYIL VEEDU, VIDHYANAGAR, KOTTAKKAKAM
KOLLAM - 691 001.

8. SALUJA

KUZHECKAL PURAYIDAM, VIDHYANAGAR, KOTTAKKAKAM
KOLLAM - 691 001.

9. SINDHU

RSP MEMBER, POONTHAL NAGAR, KACHERI WARD
KOLLAM - 691 012.

R4 - R9 BY ADV. SRI.B.MOHANLAL

R1 - R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C) .No. 13308 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1. COPY OF THE EXCISE LICENSE OF FL-1 SHOP NO.2008.

EXHIBIT P2. COPY OF THE COMPLAINT DATED 2.4.15 SUBMITTED BEFORE
THE 3RD RESPONDENT, ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P3. COPY OF THE COMPLAINT DATED 21.4.15 SUBMITTED BEFORE
THE 3RD RESPONDENT, ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P4. COPY OF THE COMPLAINT DATED 21.4.15 SUBMITTED BEFORE
THE 1ST RESPONDENT AS WELL AS THE DISTRICT COLLECTOR, KOLLAM,
ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P5. COPY OF THE INTERIM ORDER DATED 14.10.14 IN WPC
26694/14.

EXHIBIT P6. TRUE COPY OF THE COMMUNICATION No.K.S.B.C./RM(S1)/
2015-16 DATED 30-4-2015 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXHIBIT P7. TRUE COPY OF THE COMMUNICATION No.K.S.B.C./RM(S1)/
2015-16 DATED 30-4-2015 SUBMITTED BEFORE THE DISTRICT COLLECTOR,
KOLLAM DISTRICT.

EXHIBIT P8. TWO PHOTOGRAPHS SHOWING THE OBSTRUCTION CAUSED BY THE
PEOPLE.

RESPONDENT(S) ' EXHIBITS :-

EXHIBIT R5(a). TRUE COPY OF THE COMMUNICATION DATED 10/10/2014
ISSUED BY THE MANAGER WAREHOUSE CORPORATION, KOLLAM TO THE
PETITIONER.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.13308 of 2015

Dated this the 30th day of June 2015

J U D G M E N T

Shaffique, J.

Petitioner is the Kerala State Beverages (Manufacturing & Marketing) Corporation Ltd. They have filed this writ petition seeking police protection in the matter relating to obstruction being created by respondents 4 to 9 and a group of persons while conducting the FL-1 shop with No.2008 at Kottamukku in Kollam District. It is stated that the Foreign Liquor shop was being conducted since 2001 and recently respondents 4 to 9 started obstructing the functioning of the shop. They have virtually started agitation by blocking the entry into the shop and the petitioner is not in a position to run the FL shop in terms of the licence granted by the competent authority. Though complaint was given to the police, no action was taken in the matter and so, the petitioner has approached this Court.

2. Counter affidavit has been filed by respondents 4 to 9 inter alia stating that the FL-1 shop in the locality is a permanent nuisance to the residents, especially being a residential area. It is also contended that they have filed W.P.(C) No.8437 of 2015

seeking for a mandamus directing the petitioner herein to shift the liquor shop to another locality. On account of the FL shop functioning in the said area, the people in the locality are unable to live peacefully and therefore, the people started agitation in the matter. According to them, they have not obstructed the functioning of the shop in any manner.

3. Learned Government Pleader on instructions would submit that the FL shop was functioning since 2001.

4. Having regard to the aforesaid factual situation, we are of the view that since the petitioner is conducting the FL shop with valid licence, the private respondents are not entitled to interfere in the functioning of the said shop in the area. They have already filed a writ petition as W.P.(C) No.8437 of 2015, which is pending before this Court, they will have to wait for any order that may be passed in the said writ petition. They cannot also take law into their own hands or cause any obstruction to the ingress and egress to the shop. In such an event, the police is bound to ensure maintenance of law and order and further to ensure that there is free ingress and egress to the shop.

Accordingly, this writ petition is allowed directing respondents 2 and 3 to provide sufficient protection to the

W.P.(C) No.13308 of 2015

-: 3 :-

petitioner in the matter relating to functioning the FL-1 shop with No.2008 at Kottamukku in Kollam District and further ensure that ingress and egress to the shop is not prevented by any agitation by respondents 4 to 9 or their men. This is without prejudice to the right of respondents 4 to 9 or any other person in prosecuting W.P. (C) No.8437 of 2015.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
J U D G E

Jvt