

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 16067 of 2013 (G)

PETITIONER:

DR. K.V. TOLIN, AGED 43, S/O. K.P.VARKEY,
KALUMPARAMBIL HOUSE, CHAIRMAN,
TOLINS EDUCATIONAL TRUST, KALADY,
ERNAKULAM DISTRICT.

BY ADV. SRI.PRAVEEN K. JOY

RESPONDENTS:

1. STATE OF KERALA REP. BY SECRETARY,
(EXCISE DEPARTMENT), SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE MANAGING DIRECTOR,KERALA STATE
BEVERAGES (M & M)CORPORATION LTD.
A GOVERNMENT OF KERALAF UNDERTAKING,
SASTHAMANGALAM, THIRUVANANTHAPURAM-695 010.
3. THE EXCISE COMMISSIONER,
THIRUVANANTHAPURAM-695 001.
4. THE EXCISE DEPUTY COMMISSIONER,
ERNAKULAM-682 030.
5. THE EXCISE CIRCLE INSPECTOR,
ALUVA, ERNAKULAM DISTRICT-683 101.
6. KALADY GRAMA PANCHAYATH (SPECIAL GRADE),
KALADY-683 574, ERNAKULAM DISTRICT
REPARESENTED BY ITS SECRETARY.

R2 BY ADV. SRI.C.S.AJITH PRAKASH

R1, R3 TO R5 BY SR.GOV'T. PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 16067 of 2013 (G)

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF REPORT NO.E4-3769/12 DATED 23.5.2012 OF THE 4TH RESPONDENT.

EXT. P2 : TRUE COPY OF THE LETTER DATED 9.8.2012 ISSUED BY THE 6TH RESPONDENT.

EXT. P3 : TRUE PHOTOSTAT COPY OF THE ROUGH SKETCH OF THE KALADY TOWN LOCATION.

EXT. P4 : TRUE PHOTOGRAPH OF THE 'LIQUOR SHOP' AT KALADY.

EXT. P5 : TRUE COPY OF THE REPRESENTATION BEFORE THE 2ND AND 3RD RESPONDENTS.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.16067 of 2013 G

Dated this the 8th day of October, 2015

JUDGMENT

The petitioner, a resident of Kalady, has a grievance that the second respondent Corporation has been running a liquor retail outlet — FL Shop 7034 — within the prohibited distance from a school. Having made representations along with other residents of the area, questioning the inaction on the part of the authorities, the petitioner has approached this Court.

2. Today the learned Standing Counsel for the second respondent Corporation has submitted that in the face of the Government's policy, on 02.10.2015 the shop was closed.

3. The learned Government Pleader has submitted that initially based on the objections of the residents of the

locality, the shop was shifted on 10.10.2014; and now, finally, it stands closed.

4. The learned counsel for the petitioner has submitted that this Court may dispose of the writ petition by recording the submission of the learned Standing Counsel for the second respondent Corporation.

In the facts and circumstances, having recorded that the shop in question has already been closed in the wake of the Government's policy, this Court is of the opinion that nothing survives in this writ petition for further consideration. Accordingly, the writ petition is closed. No order as to costs.

Dama Seshadri Naidu, Judge

tkv