

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 15212 of 2015 (B)

PETITIONER(S):

**E.K.RAVI AGED 59 YEARS
S/O.E.V.KARUNAKARAN, ELAVAMKUNNEAL HOUSE
MULIYAR VILLAGE, KANTHAUR DESOM, KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S):

- 1. DEPUTY COMMISSIONER OF EXCISE
KASARAGOD EXCISE DIVISION, KASARAGOD 671 121.**
- 2. CIRCLE INSPECTOR OF EXCISE
EXCISE CIRCLE OFFICE, KASARAGOD 671 121.**

BY SRI T.R.RAJESH, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF THE RELEVANT PAGES OF THE LICENSE ISSUED IN FAVOUR OF THE PETITIONER.**
- EXHIBIT P1(A) : COPY OF THE ENGLISH TRANSLATION OF EXT.P1**
- EXHIBIT P2 : COPY OF THE RENT AGREEMENT EXECUTED BY SUGANDHI IN FAVOUR OF THE PETITIONER DATED 15.9.14.**
- EXHIBIT P2(A) : COPY OF THE ENGLISH TRANSLATION OF EXT.P2**
- EXHIBIT P3 : COPY OF THE CONSENT LETTER ISSUED BY THE BUILDING OWNER IN FAVOUR OF THE PETITIONER.**
- EXHIBIT P3(A) : COPY OF THE ENGLISH TRANSLATION OF EXT.P3**
- EXHIBIT P4 : COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 4.10.14.**
- EXHIBIT P4(A) : COPY OF THE ENGLISH TRANSLATION OF EXT.P4**
- EXHIBIT P5 : COPY OF THE FORWARDING LETTER OF THE 2ND RESPONDENT.**
- EXHIBIT P5(A) : COPY OF THE ENGLISH TRANSLATION OF EXT.P5**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.15212 of 2015

Dated this the 1st day of June, 2015

JUDGMENT

The petitioner is the licensee of Group I-Toddy Shop No.1/14-17 of Uliyathadukka which is under the Kasaragod Excise Division. Ext.P1 licence issued in favour of the petitioner is valid till 31.03.2017.

2. According to the petitioner, since the building in which the Toddy Shop is presently functioning is very old and there is no adequate space for conducting the business, he has decided to shift the Toddy Shop to a nearby building bearing No.543 situated in Ward No.19 of Madhur Grama Panchayat. He has also entered into an agreement with the owner of the aforesaid building on 15.09.2014, who has given consent for running a Toddy Shop in that building. The petitioner submitted Ext.P4 application before the 1st respondent, through the 2nd respondent, seeking permission to shift the Toddy Shop and also for transferring the licence to the new building.

3. The grievance of the petitioner is that though the 2nd

respondent conducted a local inspection and forwarded Ext.R5 report to the 1st respondent as early as on 07.10.2014, Ext.P4 application is still pending consideration before the 1st respondent. It is mainly aggrieved by the non-disposal of Ext.P4 application, the petitioner is before this Court in this writ petition.

4. By order dated 25.05.2015, this Court directed the learned Government Pleader to get instructions.

5. Today, when the case was taken up for further consideration, the learned Senior Government Pleader on instructions submitted that Ext.P4 application is still pending consideration before the 1st respondent. Though Ext.P5 report of the 2nd respondent was received in October 2014, the 1st respondent could not take any decision on Ext.P4 in view of a mass petition received from the public against shifting of the Toddy Shop to the new building. The learned Government Pleader has also submitted that the 1st respondent shall pass appropriate orders on Ext.P4, within a period of one month.

6. I have heard the arguments of the learned counsel for the petitioner and also the learned Senior Government Pleader appearing for the respondents.

7. The fact that, Ext.P4 application submitted by the petitioner is still pending consideration before the 1st respondent is not in dispute. Considering the fact that Ext.P4 application submitted by the petitioner is still pending consideration before the 1st respondent, I deem it appropriate to dispose of this writ petition directing the 1st respondent to consider and pass appropriate orders on Ext.P4 application, strictly in accordance with law, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment, with notice to the petitioner and also to affected parties, if any.

The Writ Petition is disposed of as above.

SD/-
ANIL K. NARENDRA,
JUDGE

JV