

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 17813 of 2015 (S)

PETITIONER(S):

**K.RAJKUMAR, S/O.KRISHNAN NADAR, AGED 61 YEARS,
SECRETARY, KERALA MADHYA NIRODHANA SAMITHI, REG.NO.564,
DISTRICT COMMITTEE, THIRUVANANTHAPURAM,
RESIDING AT MANIYANKAL MELATHIL VEEDU, ARUMANOOR,
POOVAR P.O., PIN - 695 525.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

RESPONDENT(S):

**1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
EXCISE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**

**2. THE EXCISE COMMISSIONER,
OFFICE OF THE EXCISE COMMISSIONER,
THIRUVANANTHAPURAM 695001.**

*** ADDL.R3 IMPEADED**

**3. MANAGING DIRECTOR,
KERALA STATE BEVERAGES CORPORATION, P.B.NO.2263,
SASTHAKRIPA OFFICE COMPLEX, SASTHA MANGALAM,
THIRUVANANTHAPURAM-695010.**

ADDL.R3 IMPEADED AS PER ORDER DATED 6/7/2015 IN IA.NO.8943/2015.

**R1 & 2 BY SENIOR GOVERNMENT PLEADER SRI.P.I.DAVIS
R3 BY ADV. SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE MASS PETITION SUBMITTED BEFORE THE HON'BLE CHIEF MINISTER ON 16.12.2014 AND ENGLISH TRANSLATION.**
- P2 - TRUE COPY OF THE COMMUNICATION DATED 2.2.2015 FROM THE 2ND RESPONDENT AND ENGLISH TRANSLATION.**
- P3 - TRUE COPY OF THE DECISION TAKEN BY THIRUPURAM GRAMA PANCHAYAT ON 25.8.2014 AND ENGLISH TRANSLATION.**
- P4 - TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DAILY DATED 4.4.2015 AND ENGLISH TRANSLATION**
- P5 - TRUE COPY OF THE REPRESENTATION DATED 20.5.2015 MADE BEFORE THE 2ND RESPONDENT AND ENGLISH TRANSLATION.**
- P6 - TRUE COPY OF THE ACKNOWLEDGEMENT CARD.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

W.P (C) No.17813 of 2015

Dated this, the 6th day of July, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner, learned Government Pleader as well as Sri.C.S.Ajith Prakash, learned counsel appearing for the additional 3rd respondent.

2. By this writ petition, petitioner has approached this Court praying for a mandamus directing respondents to close down the foreign liquor beverage outlet bearing license No.KL1-1008 situated at Pazhayakada Junction in Thirupuram Grama Panchayat.

3. Petitioner, in this connection, has already submitted a complaint before the Commissioner of Excise dated 20/05/2015, Ext.P5 which is stated to be pending.

4. Learned counsel appearing for the Corporation does not dispute that the said complaint has to be considered by the Commissioner of Excise in accordance with the statutory rules.

In the above view of the matter, we dispose of the writ petition with a direction to the Commissioner of Excise to consider the complaint Ext.P5 and take such appropriate decision as required, in accordance with the law. It shall be open for the Commissioner to give opportunity to be heard to the Corporation as well as to the other affected parties.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

