

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. 20231 of 2015 (S)

PETITIONER(S):

**S.V.PRASANNAKUMAR, AGED 53 YEARS
S/O.VASUKUTTY, SYAMALA VILASAM, VAZHAMUTTOM EAST P.O.,
VALLICODE, PATHANAMTHITTA DISTRICT, PIN-689 646**

**BY ADVS.SRI.GEORGE ABRAHAM PACHAYIL
SMT.JEBI MATHER HISHAM**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY OF EXCISE DEPARTMENT,
GOVERNMENT OF KERALA-682 031.
(THROUGH THE GOVERNMENT PLEADER,
HIOGH COURT OF KERALA)**
- 2. THE EXCISE COMMISSIONER, THIRUVANANTHAPURAM,
KERALA-695 001.**
- 3. SECRETARY,
VALLICODE GRAMA PANCHAYAT, VALLICODE,
PATHANAMATHITTA, PIN-689 648.**
- 4. P.S.SOMAN, S/O.SREEDHARAN,
PUTHUPARAMBIL VETTOOR, MALAYALAPPUZHA VILLAGE,
PATHANAMTHITTA-689 653.**
- 5. SANTHAMA SADASIVAN,
W/O.LATE SADASIVAN, CHAITHANYA HOUSE, VALLICODE,
PATHANAMTHITTA, PIN-689 648.**

BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

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

msv/

WP(C).No. 20231 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1-COPY OF THE STOP MEMO CUM SHOW CAUSE NOTICE ISSUED BY THE
PANCHAYATH TO THE 5TH RESPONDENT HOUSE OWNER.**

P1-TRANSLATION OF EXHIBIT P1.

P3-COPY OF THE RESOLUTION PASSED BY THE PANCHAYATH COMMITTEE.

P4-TRANSLATION OF EXHIBIT P3.

**P5-COPY OF THE INTIMATION GIVEN TO THE DISTRICT COLLECTOR,
PATHANAMTHITTA, GRAMA PANCHAYATH.**

P6-TRANSLATION OF EXHIBIT P5.

**P7-COPY OF THE INTIMATION GIVEN BY THE PANCHAYATH TO EXCISE
COMMISSIONER, TIRUVANANTHAPURAM.**

P8-TRANSLATION OF EXHIBIT P7.

**P9-COPY OF THE MASS PETITION FILED BY THE WOMEN IN THE LOCALITY TO THE
DISTRICT POLICE CHIEF/DISTRICT POLICE SUPERINTENDENT.**

P10-TRANSLATION OF EXHIBIT P9.

P11-RECEIPT RECEIVED FROM THE POLICE CHIEF'S OFFICE, DATE 28-06-2015.

P12-TRANSLATION OF EXHIBIT P11.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 20231 of 2015

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Dated this, the 6th day of July, 2015

J U D G M E N T

Shaffique, J

This writ petition is filed in the form of a public interest litigation seeking the following reliefs:

“A. In the light of the facts stated above, the petitioner most humbly prays that this Hon'ble Court may be pleased to pass an appropriate Writ or direction in the nature of writ to the respondents prohibiting them from making the toddy/liquor shop from functioning in the residential area and that too in a residential house and respondents 1 to 3 may be directed to take appropriate steps to take necessary steps for the closure of the shop in the locality as it violates law as well as the fundamental right of the people in the locality.”

2. The complaint of the petitioner is with regard to the functioning of a toddy shop, which, according to him, is in a residential area. Petitioner submits that Panchayat has already passed resolution and has issued a stop memo in the matter.

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3. Having regard to the fact that the licence to vend toddy in the said premises has been granted by the Excise Commissioner, we do not think that this Court can sit in judgment over the said decision at this stage of the proceedings.

4. If the public has a grievance against the setting up of the toddy shop in the said area, it is for the petitioner or any other person to approach the Excise Commissioner and challenge the said order. Panchayat is also entitled to take up the matter before the Excise Commissioner.

With the above observation, the writ petition is disposed of.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge