

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 25076 of 2011 (H)

PETITIONERS:

1. NILESHWARAM RANGE TODDY TAPERS,
INDUSTRIAL LABOUR CO-OPERATIVE SOCIETY LTD., NO.S.309,
REP. BY THE SECRETARY, NILESHWARA RANGE TODDY TAPERS,
INDUSTRIAL LABOUR CO-OPERATIVE SOCIETY LTD. NO.S.309,
P.O.NILESHWAR KASARAGOD DISTRICT.
2. AJAYAN.P., SECRETARY,
NILESHWARAM RANGE TODDY TAPERS,
INDUSTRIAL LABOUR CO-OPERATIVE SOCIETY LTD.
NO.S.309, P.O.NILESHWAR, KASARGOD DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF EXCISE,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM-695 001.
3. DISTRICT COLLECTOR, KASARAGOD-671 001.
4. DEPUTY COMMISSIONER, EXCISE DEPARTMENT,
KASARGOD-671 001.

R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 25076 of 2011 (H)

Dated this the 15th day of September, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record.

2. The first petitioner is a society engaged in the business of collection and sale of toddy, then having 59 licenced toddy shops with 350 toddy workers. When the Government proposed to amend Rules 3 and 5 of the Kerala Abkari Shops Disposal Rules, 2002, the petitioners laid challenge against the said proposed amendment.

3. The proposed amendment, the petitioners have apprehended, would take away the benefit conferred on the petitioner society.

4. On the strength of the interim order granted by this Court on 22.09.2011, the first petitioner had its licence for 2011-2012, and later, it could not have the licence owing to the change of governmental policy.

5. The learned counsel for the petitioners has submitted that in view of the subsequent developments, nothing survives in the

present writ petition. At any rate, it is the specific plea that since the petitioner society had the licence for 2011–2012 on the strength of an interim order from this Court, the closure of the present writ petition shall not be to the prejudice of the petitioner society as regards its having licence for the said year.

Having recorded the submission of the learned counsel for the petitioners, this Court observes that since the licence granted to the petitioner society for the year 2011–2012, albeit on the strength of the interim direction given by this Court, has already come to an end, it cannot be re-agitated at this stage. Further, in the light of the subsequent developments, especially with regard to the change in the policy of the Government, as has been represented by the learned Government Pleader, nothing survives in the writ petition.

Accordingly, this writ petition is closed. If any fresh cause of action arises in favour of the petitioners, they are at liberty to renew their challenge as regards any governmental policy. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

/True Copy/

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P.A to Judge.

