

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 22091 of 2015 (J)

PETITIONER(S):

- 1. K.S.SALEENDRAN, AGED 54 YEARS,
S/O. SREEDHARAN, PULICKAPARAMBIL HOUSE,
ALANGAD VILLAGE, KODUVAZHANGA KARA,
ERNAKULAM DISTRICT - 683 511.**
- 2. PRESTINE,
S/O. ANTONY, KALLARACKAL HOUSE, THURUTHIPURAM,
PUTHENVELIKKARA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW
SRI.NIJU MATHEW
SRI.N.P.PRAJEESH
SRI.N.VIJAYAKUMAR (CHILAVANOOR)
SRI.VIVEK VENUGOPAL**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
NEDUMBASSERY POLICE STATION,
ERNAKULAM DISTRICT-683 585.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
NEDUMBASSERY POLICE STATION,
ERNAKULAM DISTRICT-683 585.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
ALUVA-683 101.**
- 4. THE DISTRICT SUPERINTENDENT OF POLICE (RURAL),
ALUVA, ERNAKULAM DISTRICT-683 101.**
- 5. THE DIRECTOR GENERAL OF POLICE (LAW & ORDER),
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.**

msv/

WP(C).No. 22091 of 2015 (J)

6. STATE OF KERALA,
REP. SECRETARY (HOME AFFAIRS), GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

7. MAJEED,
ELAMANA HOUSE, PUTHUVASSERY, NEDUMBASSERY
ERNAKULAM DISTRICT-683 585.

R7 BY ADVS. SRI.M.S.UNNIKRISHNAN
SMT.CHITHRA.S.BABU
SMT.T.P.SHELNA
SMT.M.PPRIYANKA

R1 TO R6 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 22091 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - PHOTOCOPY OF THE PETITION DT. 18.7.2015 SUBMITTED BEFORE THE
1ST RESPONDENT WITH COPY TO RESPONDENTS 2 TO 6.**

RESPONDENT(S)' EXHIBITS:

**EXT.R7(a): PHOTOGRAPH SHOWING THE LIE AND LOCATIO OF THE PLACE WHERE
THE TODDY SHOP IS PROPOSED TO BE STARTED.**

**EXT.R7(b): TRUE COPY OF THE COMPLAINT DTD.16.3.2015 BEFORE THE CIRCLE
INSPECTOR OF POLICE.**

EXT.R7(b)(1): ENGLISH TRANSLATION OF EXT.R7(b).

**EXT.R7(c): THE TRUE COPY OF THE NEWS ITEM APPEARED IN MATHRUBHOOMI
DAILY DTD.14TH JULY, 2015.**

EXT.R7(c)(1): ENGLISH TRANSLATION OF EXT.R7(c).

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====
W.P. (C) No. 22091 of 2015

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Dated this, the 6th day of August, 2015

J U D G M E N T

Shaffique, J.

The first petitioner is a registered worker attached to Toddy shop No.31 in Group No.II in Aluva excise range representing all the registered workers and the second petitioner is the licensee of the said shop. Petitioners complain that 7th respondent along with certain other persons have obstructed the functioning of the toddy shop. It is stated that licence granted by the competent authority is being extended from time to time and the private respondents or any other person have no right to obstruct the functioning of the toddy shop.

2. Counter affidavit has been filed by the 7th respondent *inter alia* stating that the toddy shop is situated along the side of National Highway and that it was at the instance of the Member of Legislative Assembly of Aluva that orders were issued by the Excise Commissioner stopping the functioning of the toddy shop.

-:2:-

Further, it is stated that they have not created any physical obstruction but they have started a movement of people to prevent toddy shops functioning in the said locality.

3. Having regard to the aforesaid factual situation, it cannot be disputed that if the petitioner is having a valid permit from the competent authority, nobody can physically obstruct the functioning of the toddy shop. If there is any such physical obstruction, on the complaint of the petitioner, police is bound to ensure maintenance of law and order and free ingress and egress to the shop. If the 7th respondent or any other person has any complaint, their remedy is to approach the competent authority to prevent the licence being renewed.

Under such circumstances, this writ petition is disposed of directing the 1st respondent to ensure maintenance of law and order for the smooth functioning of the toddy shop by the petitioners and ensure free ingress and egress.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge