

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 29836 of 2012 (D)

PETITIONERS : -

1. M.V.RAJAPPAN, S/O. VELU,
10/1429, MEPPALLIL, K.B. JACOB ROAD,
FORT KOCHI, PIN-682001.
2. M.R. SABU, S/O. RAJAPPAN,
10/1429, MEPPALLIL, K.B. JACOB ROAD,
FORT KOCHI, PIN-682001.

BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANJANIE

RESPONDENTS : -

1. KERALA STATE BEVERAGES (M&M) CORPORATION LTD.,
SASTHAMANGALAM.P.O., THIRUVANANTHAPURAM-695010.
REP. BY ITS MANAGING DIRECTOR.
2. THE SHOP MANAGER, SHOP NO. FL 1 7024,
KERALA STATE BEVERAGES (M & M) CORPORATION LTD,
FORT KOCHI-682001.
3. THE DEPUTY COMMISSIONER OF EXCISE,
OFFICE OF THE DEPUTY COMMISSIONER,
ERNAKULAM, PIN-682031.
4. CIRCLE INSPECTOR OF EXCISE, FORT KOCHI, PIN-682001.
5. THE CIRCLE INSPECTOR OF POLICE, FORT KOCHI-682001.

R3 BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR
R1&2 BY ADV.SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORPORATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 : COPY OF THE PHOTOGRAPHS OF THE PETITIONERS RESIDENTIAL BUILDING AND THE BUILDING TO WHICH THE FL 1 SHOP IS SHIFTED.

EXHIBIT P2 : COPY OF THE PHOTOGRAPH SHOWING OBSTRUCTION CAUSED BY THE VEHICLES PARKED IN FRONT OF THE PETITIONERS ' HOUSE/GATE.

EXHIBIT P3 : COPY OF THE PHOTOGRAPH SHOWING THE QUEUE FORMED IN FRONT OF THE PETITIONERS ENTRY GATE.

EXHIBIT P4 : COPY OF THE REPRESENTATION DATED 05.07.2012 SUBMITTED BY THAMARAKULAM ROAD RESIDENTS WELFARE ASSOCIATION BEFORE THE HON'BLE MINISTER FOR EXCISE.

EXHIBIT P5 : COPY OF THE COMPLAINT DATED 09.7.2012 PREFERRED BY THE 2nd PETITIONER BEFORE THE 5th RESPONDENT.

EXHIBIT P6 : COPY OF THE LETTER DATED 13.8.2012 SENT BY THE 2nd PETITIONER TO THE MANAGING DIRECTOR OF THE 1st RESPONDENT.

EXHIBIT P7 : COPY OF THE REPLY DATED 09.10.2012 ISSUED BY THE 1st RESPONDENT.

RESPONDENTS' EXHIBITS : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29836 of 2012

Dated this the 17th day of August, 2015

JUDGMENT

The petitioners are aggrieved by the alleged nuisance said to have been caused by the functioning of a Foreign Liquor Shop, FL-1-7024, at Fort Kochi, being run by the first respondent Corporation. The principal grievance of the petitioners is that the shop has been situated in a thickly populated area and it has been causing traffic congestion.

2. As can be seen from the record, on 13.12.2012, this Court issued an interim direction to the fifth respondent to see that a 'No parking' sign board is installed by the traffic police in the vicinity, so that the traffic hazards can be minimized. Later, when the petitioners filed I.A. No.16888 of 2013, this Court, on 19.12.2013, issued a further direction to the authorities to ensure that the ingress and egress to the petitioners' house is not obstructed by the persons milling around the FL retail outlet.

3. Now the respondents have filed their counter

affidavits and joined the issue.

4. The learned counsel for the first respondent Beverages Corporation has submitted that the Government has already taken a policy decision to close down 10% of existing shops on an annual basis. According to him, though the shop in question has not been listed for closure in the present year, in course of time the authorities may be considering the issue keeping in view all the attendant circumstances.

At any rate, since the petitioners have already submitted Exhibits P4 and P6 complaints, it is appropriate that the third respondent consider the said complaints in accordance with the law and pass appropriate orders thereon, after affording an opportunity of hearing to the petitioners, as well as the first respondent, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

With the above observations, this writ petition is disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE