

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 26705 of 2015 (K)

PETITIONER:

**M/S. SEAPORT HOTELS COCHIN (P) LTD.
REPRESENTED BY ITS MANAGING DIRECTOR TAJAN CYRIL
THEKKENMALIPPURAM,
AZHEEKAL P.O., VYPEEN
KOCHI-682 510.**

**BY ADVS.SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI
SRI.REJI GEORGE**

RESPONDENTS:

**1. ELAMKUNNAPPUZHA GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY,
MALIPPURAM P.O.
KOCHI-682 510.**

**2. ELAMKUNNAPUZHA GRAMA PANCHAYATH COMMITTEE
REPRESENTED BY ITS SECRETARY,
MALIPPURAM P.O.
KOCHI-682 510.**

BY ADV. SRI.SAJAN MANNALI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE 4 STAR CLASSIFICATION CERTIFICATE DTD.13.7.2012
ISSUED BY THE MINISTRY OF TOURISM, GOVERNMENT OF INDIA.**
- P2 : COPY OF THE HOTEL & RESTAURANT LICENCE DTD.6.2.2012 ISSUED BY
THE 1ST RESPONDENT.**
- P3 : COPY OF GO(RT)NO.967/2014/TD DTD.4.12.2014.**
- P4 : COPY OF THE ORDINANCE NO.63 OF 2012 DTD.25.11.2012.**
- P5 : COPY OF COMMUNICATION DTD.18.10.2012 ISSUED BY THE DEPUTY
EXCISE COMMISSIONER, ERNAKULAM.**
- P6 : COPY OF THE APPLICATION DTD.26.6.2015 SUBMITTED BEFORE THE 2ND
RESPONDENT.**
- P7 : COPY OF THE CERTIFIED COPY OF DECISION NO.II DTD.3.7.2015 ISSUED
BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A.TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 26705 OF 2015

Dated this the 14th day of October, 2015

JUDGMENT

The Panchayat cannot take a policy decision not to grant any abkari license as in the instant case. The same has been held to be an abdication of the statutory power vested in it in **K.G.A. Hotels & Resorts Pvt. Ltd. v. State of Kerala [2015(2) KLT 683]**. Ext. P7 decision declining license solely on the ground of the policy of the Panchayat cannot be sustained and hence quashed.

2. I direct the first respondent to pass orders anew on the application for abkari license put in by the petitioner as per the statutory provisions and norms now in vogue. The same shall be done within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS