

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 28112 of 2015 (S)

PETITIONERS :

1. T.D.DATTAN,
SECRETARY OF NTV NAGAR RESIDENCE ASSOCIATION,
KADAPPAKKADA P.O., KOLLAM - 691 008.
2. M. NAZHIMUDDIN,
SEMEE, BHAVANA NAGAR 210,
KADAPPAKKADA, KOLLAM - 691 008.

BY ADVS.SRI.K.JAGADEESH
SMT.V.RENJU

RESPONDENTS :

1. STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE COMMISSIONER OF EXCISE,
EXCISE COMMISSIONERATE,
THIRUVANANTHAPURAM - 695 001.
3. KERALA STATE BEVERAGES (MANUFACTURING AND MARKETING)
CORPORATION LTD., P.B. No.2263, SASTHAKRIPA OFFICE
COMPLEX, SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010
REPRESENTED BY ITS MANAGING DIRECTOR.
4. FLI SHOP NO.2006, KERALA STATE BEVERAGES
CORPORATION REPRESENTED BY THE SHOP IN CHARGE,
PRATHIBHA JUNCTION, KADAPPAKKADA, KOLLAM - 691 008.
5. CORPORATION OF KOLLAM REPRESENTED BY ITS
SECRETARY, KOLLAM DISTRICT - 691 001.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.
R3 & R4 BY ADV. SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORPN.
R5 BY SRI.M.K.CHANDRA MOHAN DAS,SC,KOLLAM MPT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1 : TRUE SKETCH OF THE AREA IN WHICH FL-1 SHOP FUNCTIONING.

EXT.P2 : TRUE COPY OF THE INTERIM ORDER IN W.P.(C) No.4018 OF 2014
DATED 10.11.2014.

EXT.P3 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE SECRETARY OF
THE BAHVANAGAR RESIDENCE ASSOCIATION DURING 2014.

EXT.P3(A) : ENGLISH TRANSLATION OF EXT.P3.

EXT.P4 : TRUE COPY OF THE REPRESENTATION BEFORE THE MAYOR,
CORPORATION OF KOLLAM.

EXT.P4(A) : ENGLISH TRANSLATION OF EXT.P4.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

Ashok Bhushan, C.J. & K. Vinod Chandran, J.

W.P.(C) No. 28112 OF 2015

Dated this the 17th day of September, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard both the sides. This Public Interest Litigation has been filed seeking a direction against the respondents to shift and relocate the existing FL-1 shop No.2006 under the 3rd respondent at Prathibha Junction at Kadappakkada situated in National Highway No.208 to a place elsewhere.

2. Petitioners have placed reliance on an interim order dated 10.11.2014 passed in W.P.(C) No.4018 of 2014. It is submitted that this Court has already directed to relocate all the illegal shops which are situated on the Highways.

3. Learned Government Pleader has pointed out that as per Rule 146 A of the Kerala High Court Rules, 1971, no details have been filed nor appropriate affidavit has been submitted.

4. Be that as it may, we are of the view that there being already an interim order in W.P.(C) No.4018 of 2014, it

covers the reliefs sought in this writ petition. Hence we cannot entertain this Public Interest Litigation which has been filed for the aforesaid purpose. If the petitioners have any genuine grievance, it is open for them to implead in the aforesaid writ petition.

With the above observation the writ petition is closed.

**Ashok Bhushan,
Chief Justice.**

**K. Vinod Chandran,
Judge.**