

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 29333 of 2014 (N)

PETITIONER:

REKHA SHAJIN, W/O. LATE SHAJIN,
AGED 38 YEARS, NADUMURI HOUSE,
KOMBATHUKADAVU P.O.,
PUTHENCHIRA,
THRISSUR DISTRICT.

BY ADV. SRI.RENJITH THAMPAN (SR.)
SMT. P.R. REENA

RESPONDENTS:

1. ANNAMMANADA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
PANCHAYATH OFFICE, ANNAMANADA,
THRISSUR DISTRICT - 680 741.
2. THE SECRETARY,
ANNAMANADA GRAMA PANCHAYATH,
PANCHAYATH OFFICE, ANNAMANADA,
THRISSUR DISTRICT - 680 741.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF THE ORDER DATED 10.06.2013 OF THE
MINISTRY OF TOURISM, GOVERNMENT OF INDIA.
- EXT.P2 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE BRANCH
MANAGER, DHANALAKSHMI BANK, IRINJALAKUDA BRANCH
DATED 25.10.2014.
- EXT.P3 : TRUE COPY OF THE APPLICATION FILED BY THE
PETITIONER BEFORE THE SECOND RESPONDENT DATED
18.08.2014.
- EXT.P4 : TRUE COPY OF THE LETTER DATED 24.09.2014 ISSUED BY
RESPONDENT NO.2.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 29333 of 2014 (N)

Dated this the 21st day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, apart from perusing the record. Though notice has been served on the respondents well in advance, none entered appearance on their behalf. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner filed Ext.P3 application for the consent of the respondent Grama Panchayath to start a Beer and Wine Parlour in the three Star Hotel owned by her. The respondent Grama Panchayath, however, rejected it through Ext.P4 dated 24.09.2014 citing the following reason:

“Since the State Government is in the process of discussion whether to introduce total prohibition, the application filed by you, cannot be considered at present. Hence it is informed that the application referred above is kept aside.”

(the above extract is the translation supplied by the petitioner)

3. It is understandable if the rejection is based on any

existing policy of the Government, but a policy in the contemplation of the Government, which may or may not materialise, cannot come in the way of the substantial right of a person to carry on business.

In the facts and circumstances, Ext.P4 is quashed with a consequential direction to the respondents to consider the petitioner's Ext. P3 application, if it is otherwise in order, and complete the process, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

sd/- DAMA SESHADRI NAIDU, JUDGE.

