

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 32217 of 2011 (B)

PETITIONER(S) :

ANILKUMAR,
S/O. NATARAJAN, LICENSEE T.S.NO. 10/2011-12 (KURAVAN PALAM),
KOLLAM EXCISE RANGE, RESIDING AT ASOK BHAVAN,
GOPALASSERIYIL VADAKKEVILA VILLAGE, AYATHIL,
KOLLAM DISTRICT.

BY ADVS.SRI.B.MOHANLAL
SRI.T.PRASAD.

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT(EXCISE) ,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE COMMISSIONER OF EXCISE,
GOVERNMENT OF KERALA, NANDAVANAM, PALAYAM P.O.,
THIRUVANANTHAPURAM-695013.
3. THE DEPUTY COMMISSIONER OF EXCISE,
EXCISE COMPLEX, CHINNAKKADA, KOLLAM-691 001.
4. THE EXCISE RANGE INSPECTOR,
KOLLAM EXCISE RANGE, EXCISE COMPLEX, CHINNAKKADA,
KOLLAM-691 001.

ADDL R 5 & 6 BY ADV. SMT.T.S.MAYA (THIYADIL)
ADDL R 5 & 6 BY ADV. SMT.K.G.BINDU
BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) EXHIBITS :

- EXT.P1 THE TRUE COPY OF THE LICENSE NO. 34/2011-12 DATED 03-11-2011 ISSUED BY THE 3RD RESPONDENT.
- EXT.P2 THE TRUE COPY OF THE CONSENT LETTER ISSUED BY THE LANDLORD TO THE PETITIONER DATED 01-10-2011.
- EXT.P3 THE TRUE COPY OF THE RECEIPT ISSUED BY THE KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION, KADAPPAKKADA, KOLLAM TO THE PETITIONER.
- EXT.P4 THE TRUE COPY OF THE TAX RECEIPT FOR THE YEAR 2009-2012 REMITTED BY THE LANDLORD TO THE KOLLAM CORPORATION.
- EXT.P5 THE TRUE COPY OF THE ORDER IN I.A. NO. 1421/2007 IN O.S. NO. 233/2007 DATED 08-11-2011 OF THE SUB COURT, KOLLAM.
- EXT.P6 THE TRUE COPY OF THE LICENSE FOR THE ABKARI YEAR 2008-09 IN T.S. NO. 10 OF KOLLAM EXCISE RANGE.
- EXT.P7 THE TRUE COPY OF THE LICENSE FOR THE ABKARI YEAR 2009-2010 IN T.S. NO. 10 OF KOLLAM EXCISE RANGE.
- EXT.P8 THE TRUE COPY OF THE LICENSE FOR THE ABKARI YEAR 2010-2011 IN T.S. NO. 10 OF KOLLAM EXCISE RANGE.
- EXT.P9 THE TRUE COPY OF THE AGREEMENT DATED 29/09/2011 ENTERED INTO BETWEEN THE PETITIONER AND SRI.KATHIRVEL, PALAKKAD.
- EXT.P10 THE TRUE COPY OF THE PROPERTY TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, MOOLATHARA.
- EXT.P11 THE TRUE COPY OF THE APPLICATION DATED 10/11/2011 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P12 THE TRUE COPY OF THE COMMUNICATION DATED 11/11/2011 ISSUED BY THE EXCISE CIRCLE INSPECTOR, KOLLAM TO THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS :

- EXT.R5 (A) THE TRUE COPY OF THE AGREEMENT FOR SALE DATED
13/06/2002 EXECUTED BY KANAKAMMA AND ATTESTED BY HER
YOUNGER TWO SONS.
- EXT.R5 (B) THE TRUE COPY OF THE WILL AND THE RECEIPT OF ITS
REGISTRATION.
- EXT.R5 (C) THE TRUE COPY OF THE PLAINT IN O.S.NO.233/2007.
- EXT.R5 (D) THE TRUE COPY OF THE OBJECTION TO THE SAID
I.A.1421/2007.
- EXT.R5 (E) THE TRUE COPY OF THE JUDGMENT IN O.S.233/2007 DATED
10/07/2014.
- EXT.R5 (F) THE TRUE COPY OF THE DECREE IN O.S.233/2007 DATED
10/07/2014.
- EXT.R5 (G) THE TRUE COPY OF THE PETITION FILED BY THE PETITIONERS
BEFORE THE 3RD RESPONDENT ALONG WITH POSTAL RECEIPT.

/TRUE COPY/

P.A.TO JUDGE

RVS.

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 32217 of 2011

Dated this the 03rd day of June, 2015

JUDGMENT

The learned counsel for the petitioner has submitted that the issue raised in this writ petition is concerning the Abkari year 2011-12; now the writ petition, according to her, has become infructuous. The learned counsel has also pleaded that the writ petition may be dismissed as withdrawn preserving the petitioner's liberty to approach this Court once again, if necessary.

2. The learned counsel for the respondents 4 and 5 has submitted that under the cover of interim order granted in the present writ petition, the petitioner has been continuing with toddy business.

3. Firstly, it is made clear that once a writ petition is dismissed as withdrawn, no interim order survives, if at all any has been given while the writ petition was on record.

4. It is further made clear that if the petitioner has any fresh cause of action to agitate any issue, he does not require any liberty to be preserved or granted by this Court for the purpose of ventilating his grievances.

With the above observations, the writ petition stands dismissed as having been withdrawn by the petitioner.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-