

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 34700 of 2010 (J)

PETITIONER:

PIOUS MATHEW, ADVOCATE, PRESIDENT,
EDAKUNNI NORTH RESIDENTS ASSOCIATION,
(REG.NO.R 313/2008), EDAKUNNI P.O., OLLUR-680 306.

BY ADVS.SRI.RAJU JOSEPH (SR.)
SRI.JJULIAN XAVIER
SRI.C.N.MIDHUN

RESPONDENTS:

1. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.
2. THE DEPUTY COMMISSIONER OF EXCISE,
THRISSUR - 680 001.
3. THE KERALA STATE BEVERAGES
(MANUFACTURES AND MARKETING) CORPORATION,
THIRUVANANTHAPURAM REPRESENTED BY ITS
MANAGING DIRECTOR.
4. THE KERALA STATE BEVERAGES
(MANUFACTURES AND MARKETING) CORPORATION,
THRISSUR BRANCH REPRESENTED BY ITS MANAGER.
5. THE MUNICIPAL CORPORATION,
THRISSUR REPRESENTED BY ITS SECRETARY.

R5 BY ADVS. SRI.K.P.VIJAYAN
SRI.V.M.SYAM KUMAR
SMT.KRIPA ELIZABETH MATHEWS
SRI.V.N.HARIDAS

R3- TO R4 BY ADV. SRI.C.S.AJITH PRAKASH
R1 & R2 BY GOVT. PLEADER SRI.JUSTIN JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 34700/2010

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF JUDGMENT IN WPC 25661/2010 DATED 31.8.2010

EXT. P2 TRUE COPY OF ORDER DATED 10.11.2010 OF THE SECOND RESPONDENT

EXT. P3 TRUE COPY OF ROUGH SKETCH SHOWING THE PROPOSED SHOP AND THE NEAR BY CHURCH, HOSPITAL, ETC.

EXT. P4 TRUE COPY OF REPRESENTATION FILED BEFORE THE THIRD RESPONDENT DATED 15th NOVEMBER 2010

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.34700 of 2010 J

Dated this the 11th day of March, 2015

JUDGMENT

The petitioner, the President of a Resident Association, has filed the present writ petition assailing the action of the second respondent in proposing to shift the Beverages FL-1 retail outlet to an area in the vicinity where the petitioner resides.

2. In course of time, the respondent Beverages Corporation filed its counter affidavit placing on record that presently the Corporation does not have any such proposal.

3. Both the learned counsel for the petitioner and the respondent Corporation are in unison in their representation that in the light of the averments in the counter affidavit, nothing survives in the writ petition.

This Court, therefore, taking into account the averments made in the counter affidavit filed by the respondent Corporation, closes the writ petition as having not survived for consideration.

Dama Seshadri Naidu, Judge

tkv