

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 31820 of 2014 (B)

PETITIONER(S) :

- 1. J.RAMKUMAR,
PROPRIETOR, HOTEL ARYAS, PADIPURAYKAL BUILDING,
M.C. ROAD, CHENGANNOOR, ALAPPUZHA DISTRICT.**
- 2. A.V.AJIKUMAR,
PROPRIETOR, HOTEL NEW ARYA BHAVAN,
RAILWAY STATION ROAD, CHENGANNOOR, ALAPPUZHA DISTRICT.**
- 3. N.RAMESH,
PROPRIETOR, HOTEL NEW ANU, OPP. KSRTC BUS STAND,
J AND M COMPLEX, CHENGANNOOR, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.C.S.AJITH PRAKASH
SRI.PAUL C THOMAS
SRI.P.S.SYAMKUTTAN
SRI.C.S.YESUDAS
SRI.K.M.SALIM**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
GOVERNMENT OF KERALA- 695 001.**
- 2. THE DISTRICT COLLECTOR,
ALAPPUZHA DISTRICT, CIVIL STATION,
ALAPPUZHA - 688 001.**
- 3. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
CHENGANNOOR, PIN- 689 121.**
- 4. THE SUPERINTENDENT OF POLICE (DISTRICT POLICE CHIEF),
OFFICE OF THE SUPERINTENDENT OF POLICE,
ALAPPUZHA- 688 001.**

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**5. THE DISTRICT SUPPLY OFFICER,
ALAPPUZHA, OFFICE OF THE DISTRICT SUPPLY OFFICER,
ALAPPUZHA - 688 001.**

**6. THE TALUK SUPPLY OFFICER,
OFFICE OF THE TALUK SUPPLY OFFICER, CHENGANNOOR,
ALAPPUZHA - 689 121.**

BY GOVERNMENT PLEADER SRI.ABDUL.J.SALAM

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT-P1:** A TRUE COPY OF THE D & O LICENCE DATED 12/07/2012 ISSUED BY THE CHENGANNOOR MUNICIPALITY, TO THE 1ST PETITIONER.
- EXHIBIT-P2:** A TRUE COPY OF THE FOOD SAFETY LICENCE DATED 27/07/2012, ISSUED BY THE FOOD SAFETY AND STANDARD AUTHORITY OF INDIA, TO THE 1ST PETITIONER.
- EXHIBIT-P3:** A TRUE COPY OF THE D & O LICENCE DATED 17/11/2014 ISSUED BY THE CHENGANNUR MUNICIPALITY, TO THE 2ND PETITIONER.
- EXHIBIT-P4:** A TRUE COPY OF THE LICENCE DATED 02/04/2012 ISSUED BY THE FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA, TO THE 2ND PETITIONER.
- EXHIBIT-P5:** A TRUE COPY OF THE LICENCE DATED 04/08/2012, ISSUED BY FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA, TO THE 3RD PETITIONER.
- EXHIBIT-P6:** A TRUE COPY OF THE EXISTING PRICE STRUCTURE OF THE FOOD ITEM WHICH IS EXHIBITED IN THE HOTEL WITH RESPECT TO THE 1ST PETITIONER'S HOTEL.
- EXHIBIT-P7:** A TRUE COPY OF THE PRICE LIST PRESENTLY IN FORCE IN THE 3RD PETITIONER'S HOTEL.
- EXHIBIT-P8:** A TRUE COPY OF THE PRICE LIST PUBLISHED BY THE RDO FOR THE SABARIMALA SEASON OF THE YEAR 2014-15.
- EXHIBIT-P9:** A TRUE COPY OF THE INTERIM ORDER IN W.P.(C).NO.36374/2010 DATED 06/12/2010.
- EXHIBIT-P10:** A TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.36374/2010 DATED 23/02/2011.
- EXHIBIT-P11:** A TRUE COPY OF THE INTERIM ORDER DATED 29/11/2012 IN W.P.(C).NO.28056/2012.
- EXHIBIT-P12:** A TRUE COPY OF THE JUDGMENT DATED 04/02/2013 IN W.P.(C).NO.28056/2012.
- EXHIBIT-P13:** A TRUE COPY OF THE INTERIM ORDER DATED 21/11/2014 IN W.P.(C).NO.31120/2014.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.31820 of 2014

Dated this the 5th day of October, 2015

JUDGMENT

The issue is relating to fixation of price of food stuffs sold by the petitioners in the hotels in Chengannoor Municipality during Sabarimala Pilgrimage Season.

2. The issue is covered in favour of the petitioners by the Division Bench judgment of this Court in **Karthigesu K. and Others v. State of Kerala and Others [2015 (3) KHC 323]**, wherein this Court held that the District Collector has no power or authority to fix the rate of food stuffs sold in hotels during Sabarimala Pilgrimage Season.

In that view of the matter, the impugned order is set aside.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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