

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31628 of 2015 (S)

PETITIONER :

P.S.RAMESH, AGED 45 YEARS,
S/O. LATE SADASIVA GURUKAL,
PILAYANDAN HOUSE, VAISHNAVAM GARDENS,
KORANGODE KALAM, KODUVAYUR P.O.,
PALAKKAD DISTRICT.

BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA

RESPONDENTS :

1. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE EXCISE COMMISSIONER,
EXCISE COMMISSIONERATE,
THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY EXCISE COMMISSIONER,
PALAKKAD - 678 101
4. THE KERALA STATE BEVERAGES CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
HEAD OFFICE, THIRUVANANTHAPURAM - 695 001.
5. THE KERALA STATE CO-OPERATIVE CONSUMER FEDERATION
REPRESENTED BY ITS MANAGING DIRECTOR,
HEAD OFFICE, GANDHINAGAR, ERNAKULAM - 682 034.

R BY SPL. GOVERNMENT PLEADER SMT. GIRIJA GOPAL
R BY SRI.RAJU JOSEPH (SR.)
R BY SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31628 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 - TRUE COPY OF G.O.(MS) NO.139/2014 DATED 22.8.2014
- EXHIBIT P2 - TRUE COPY OF THE INTERIM ORDER DATED 10.11.2014 IN WPC.4018/2014
- EXHIBIT P3 - TRUE COPY OF G.O.(MS) NO.752/2015/T.D DATED 1.10.2014
- EXHIBIT P4 - TRUE COPY OF LETTER NO.P-5-9348/11 DATED 1.12.2011
- EXHIBIT P5 - TRUE COPY OF THE NEWS ITEM APPEARED IN MALAYALA MANORAMA
DAILY DATED 3.10.2015.

RESPONDENT'S EXHIBITS

NIL.

// TRUE COPY //

P.A. TO JUDGE

SOu.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 31628 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard. This public interest litigation has been filed praying for issue a writ of certiorari quashing Exhibit P3. Exhibit P3 is a Government Order issued by the State with reference to orders issued as reference 1 to 5. An order has been issued in reference to the Abkari policy 2014-15, where 10% of the Foreign Liquor shops of Kerala State Beverages Corporation and Consumer Fed were to be stopped from 2.10.2015. Twenty two Outlets of Kerala State Beverages Corporation and four of the Consumer Fed have been identified, which have to be closed.

2. The petitioner, in the writ petition contends that people were agitating with regard to closure of other shops which have not been included in the list, where shops have to be closed. The Government has to implement its Abkari policy 2014-15 by closing 10% of the shops.

3. It is for the Government to identify the shops and direct for closure as has been done by Exhibit P3. The petitioner by this writ petition prays for quashing the said list and is asking the court to adjudicate about the criteria for choosing the particular shops in the list, Exhibit P3. The decision to close 10% of the shops being a policy decision, it is for the State to consider and take appropriate decision. We are of the view that in this public interest litigation, Exhibit P3 cannot be quashed nor the issue raised can be entertained.

The writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

SOU.