

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 31786 of 2015 (W)

PETITIONER:

NAGARAJAN.M, AGED 54 YEARS,
S/O.MADAN MOHAN RAO, RESIDING AT RADHA NIVAS,
ALAMIPPALLY, KANHANGAD, KASARAGOD DISTRICT.

BY ADVS.SRI.P.SREEKUMAR
SRI.S.PRASANTH
SMT.UMA
SRI.K.NANDAKUMAR
SMT.V.A.HARITHA
SMT.P.M.MAZNA MANSOOR

RESPONDENTS:

1. THE EXCISE COMMISSIONER,
OFFICE OF THE EXCISE COMMISSIONER,
THIRUVANANTHAPURAM, PIN-695 033.
2. THE EXCISE INSPECTOR,
KANHANGAD, KASARAGOD DISTRICT, PIN-671 315.

R BY SRI. K.C. VINCENT, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 31786 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:

P1 A TRUE COPY OF THE ORDER DATED 7.8.2015 ISSUED BY THE 1ST
RESPONDENT.

P2 A TRUE COPY OF THE CHELAN SHOWING PAYMENT OF RS.4 LAKHS.

P3 A TRUE COPY OF THE COMPLAINT.

RESPONDENTS' EXHIBITS:

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 31786 of 2015 (W)

Dated this the 27th day of October, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, who has applied for FL-11 licence, is said to have produced all the necessary certificates, including NOC obtained by him from the Municipality concerned, apart from paying the requisite licence fee. It is the petitioner's specific contention that though he completed the entire process in August, 2015, so far he has not heard anything from the respondent officials.

3. It further emerges from the record that aggrieved by what is said to be the inordinate delay on the part of the officials, the petitioner has submitted Ext.P3 representation. Seeking its expeditious consideration, he has approached this Court.

4. In response to the submissions made by the learned

counsel for the petitioner, the learned Government Pleader, on instructions, has submitted that though the respondents had intended to process the petitioner's request for grant of FL-11 licence, they received an order of stay from the Secretary of the Local Self Government Department. Unless the stay is vacated, submits the learned Government Pleader, it is not possible for the authorities to further process the petitioner's application.

5. Be that as it may, it is evident that so far the petitioner has not been aware of any such order of interdiction from any quarter. It serves the interest of justice, if the respondent authorities consider the petitioner's Ext.P3 representation and pass appropriate orders, even by informing him of all the reasons that have weighed with the authorities for not considering the petitioner's application. And it would be open for the petitioner to pursue his remedies, subsequently.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Government Pleader, this Court disposes of the writ petition with a direction to the first respondent to consider the petitioner's Ext.P3

representation in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a copy of this judgment. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv