

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 33551 of 2014 (T)

PETITIONER(S):

1. **V.T.SUNNY, AGED 42 YEARS,
VALIANIRAPIL HOUSE, P.O CHEERAL, SULTHAN BATHERY,
WYNAD DISTRICT.**
2. **K.H ABBAS,
KALLIDAMBAN HOUSE, CHEERAL, SULTHAN BATHERY,
WYNAD DISTRICT**
3. **M. MOHANAN,
MANGATTIL HOUSE, CHEERAL, SULTHAN BATHERY,
WYNAD DISTRICT.**
4. **MOIDEEN MUTHATT,
MUTHATT HOUSE, CHEERAL, SULTHAN BATHERY,
WYNAD DISTRICT.**

**BY ADVS.SRI.P.J.MATHEW
SRI.AJITH GEORGE**

RESPONDENT(S):

1. **THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
FOOD AND CIVIL SUPPLIES DEPARTMENT, GOVT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
2. **THE COMMISSIONER OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM 695 001.**
3. **THE DISTRICT SUPPLY OFFICER,
CIVIL STATION P.O, KALPATT, WYNAD DISTRICT 673 122.**
4. **THE TALUK SUPPLY OFFICER,
SLTHAN BATHERY, WYNAD DISTRICT 673 592.**
5. **THE DISTRICT COLLECTOR,
WYNAD, CIVIL STATION, KALPATT,
WYAND DISTRICT, 673 122.**
6. **KUNHAN.K,
KOMMAT HOUSE, P.O, THAZHATOR,
CHEERAL, WYNAD DISTRICT 673 595.**

7. N. PARVATHY,
KOMMAT HOUSE, P.O, THAZHATOR,
CHEERAL, WYNAD DISTRICT 673 595.

R6 BY ADVS. SMT.A.K.PREETHA
SRI.C.ANIL KUMAR

R1 TO R5 BY SMT.ANITHA RAVEENDRAN, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DG

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE LETTER DATED 29-08-2009 SENT BY THE 4TH RESPONDENT THE 3RD RESPONDENT INFORMING THE SEIZURE OF THE 820 LITERS OF KEROSENE.
- EXHIBIT P2: TRUE COPY OF THE LETTER SENT BY THE 4TH RESPONDENT DATED 27-01-2010.
- EXHIBIT P3: TRUE COPY OF THE ORDER DATED 29-08-2009 REGARDING THE SUSPENSION OF LICENSE OF ARD NO 17.
- EXHIBIT P4: TRUE COPY OF THE ORDER DATED 29-08-2009 REGARDING THE SUSPENSION OF LICENSE OF ARD NO 18.
- EXHIBIT P5: TRUE COPY OF THE LETTER DATED 23-09-2010.
- EXHIBIT P6: TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE HON'BLE CHIEF MINISTER DATED NIL.
- EXHIBIT P7: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT DATED NIL.
- EXHIBIT P8: TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 23-07-2012.
- EXHIBIT P9: TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 02-11-2011.
- EXHIBIT P10: TRUE COPY OF THE REPRESENTATION FILED BY THE CARD HOLDERS DATED 03-12-2014.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

THOTTATHIL B.RADHAKRISHNAN

W.P.(C) No.33551 of 2014

Dated this the 8th day of January, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned Government Pleader.

The fact of the matter remains that though Exhibit P9 was issued way back in November, 2011, the situation continues that the said decision has been enforced till date. If that were so, no further action shall follow unless the District Collector takes an independent assessment of the entire situation and issues an order as may be found necessary to govern the case of the retail outlet in question. Exhibit P10 is stated to be a representation made by the local ration card holders to the District Collector. Therefore, it is directed that Exhibit P10 shall be taken up and shall be considered by the 5th respondent, and, an order shall be issued, touching all aspects

of the matter, as may be found relevant. Let this be done giving an opportunity of hearing to respondents 6 and 7 who are stated to be card holders and the petitioners who are the licensees of the ARDs. Such action shall come within a period of three months, without fail. Until then, the present situation will be continued to be maintained, unless the jurisdictional authorities find any fresh reason to pass orders, independent of the proceedings in hand. Writ petition ordered accordingly, leaving open all other issues.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG