

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 33976 of 2015 (V)  
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PETITIONER : -  
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GEORGE ABRAHAM, AGED 49 YEARS,  
S/O.ABRAHAM, PAIMATTATHIL HOUSE,  
ANAMARI P.O.KALLIAMPARA, KOLLENGODE,  
PALAKKAD DISTRICT - 678 506.

BY ADV.SRI.K.ANAND

RESPONDENTS : -  
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1. STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF EXCISE,  
THIRUVANANTHAPURAM - 695 001.
2. KERALA STATE BEVERAGES CORPORATION,  
REP. BY ITS MANAGING DIRECTOR,  
THIRUVANANTHAPURAM - 695 001.
3. THE REGIONAL MANAGER,  
KERALA STATE BEVERAGES CORPORATION,  
KOZHIKODE - 673 001.
4. EXCISE COMMISSIONER,  
OFFICE OF EXCISE COMMISSIONER,  
THIRUVANANTHAPURAM - 695 001.
5. DEPUTY EXCISE COMMISSIONER,  
PALAKKAD - 678 001.

BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT  
R2 & R3 BY SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33976 of 2015 (V)

**APPENDIX**

PETITIONER'S EXHIBITS : -

- EXT.P-1 : TRUE COPY OF THE GOVERNMENT ORDER NO.752/2015 DATED 1.10.2015.
- EXT.P-2 : TRUE COPY OF THE G.O(MS) NO.139/2014 DATED 22.8.2014.
- EXT.P-3 : TRUE COPY OF THE PETITION PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P-4 : TRUE COPY OF THE PETITION PREFERRED BY THE PETITIONER TO THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 33976 of 2015**  
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Dated this the 30<sup>th</sup> day of November, 2015

**JUDGMENT**

The petitioner, on an apprehension though, has approached this Court contending that the second and third respondents have been making efforts to reopen an Indian Made Foreign Liquor shop in the area where the petitioner resides. According to him, the said liquor shop was earlier closed in tune with Government policy.

2. In response, the learned Standing Counsel for the second and third respondents, as well as the learned Government Pleader, has submitted that at present neither the Corporation nor the Government has any intention of opening or reopening any retail outlet in the vicinity where the petitioner resides.

3. At this juncture, the learned counsel for the petitioner has submitted that until a shop is actually opened, there is no means for the petitioner or any other person in the vicinity to know that it is going to be opened. In that context, he has urged this Court to issue a direction that if at all the authorities

decide in future to reopen the retail outlet, the petitioner shall be heard. In response, the learned Government Pleader has submitted that if at all the policy permits, the Government has every right to go ahead; it does not call for any prior hearing.

Be that as it may, this Court disposes of the writ petition based on the assurance given by both the learned Standing Counsel and the learned Government Pleader that at present the Corporation has no intention of opening or reopening any retail outlet. At the same time, this Court makes it clear that in the light of any changed Government policy in future, if the Corporation intends to reopen any retail outlet, the petitioner shall be heard, provided any application is pending by then.

**DAMA SESHADRI NAIDU**  
**JUDGE**

DMR/-