

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 35159 of 2015 (T)

PETITIONER : -

BIJUKUMAR C, S/O.CHANDRASEKHARAN NAIR,
SREEVILASAM, ARUMANOOR PO, KOTTAYAM 686564.

BY ADV.SRI.S.SUBHASH CHAND

RESPONDENTS :-

1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO
GOVERNMENT, DEPARTMENT OF TAXES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001.
2. EXCISE COMMISSIONER,
OFFICE OF THE EXCISE COMMISSIONER,
THIRUVANANTHAPURAM - 695001.
3. DEPUTY EXCISE COMMISSIONER,
OFFICE OF THE DEPUTY EXCISE COMMISSIONER,
COLLECTORATE, KOTTAYAM 686001.
4. EXCISE RANGE OFFICER,
EXCISE RANGE OFFICE, PAMPADY, KOTTAYAM 686502.
5. V.V.SAJIMON, S/O.NARAYANAN,
THANNICKAL HOUSE, PAYYAPPADI,
PUTHUPALLY, KOTTAYAM 686011.
6. MATHEW THOMAS, S/O.THOMAS,
CHIRAPPAD MATTATHIL HOUSE, KONGANDOOR,
AYARKUNNAM, KOTTAYAM 686564.
7. O.K.VISWANANTHAN, VELLIMADATHIL HOUSE,
THIRUVANCHOR, MANARKAD, KOTTAYAM 686019.
8. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM 686001.

BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE PHOTOGRAPH OF THE SERPENT GROVE.

EXHIBIT P1(a) : TRUE COPY OF THE PHOTOGRAPH OF THE SERPENT GROVE.

EXHIBIT P1(b) : TRUE COPY OF THE PHOTOGRAPH OF THE SERPENT GROVE.

EXHIBIT P1(c) : TRUE COPY OF THE PHOTOGRAPH OF THE SERPENT GROVE.

EXHIBIT P1(d) : TRUE COPY OF THE PHOTOGRAPH OF THE SERPENT GROVE.

EXHIBIT P1(e) : TRUE COPY OF THE PHOTOGRAPH OF THE SERPENT GROVE.

EXHIBIT P2 : TRUE COPY OF THE JUDGMENT DATED 07.10.2010 IN
WPC.NO.6925/2010.

EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION DATED 13.05.2015
SUBMITTED BY THE PETITIONER AND OTHER DEVOTEES BEFORE
RESPONDENT NO.3 ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION DATED 06.06.2015 BEFORE
RESPONDENT NO.2.

EXHIBIT P5 : TRUE COPY OF THE JUDGMENT DATED 26.06.2015 PASSED BY THIS
HON'BLE COURT IN WPC.NO.19325/2015 (M).

EXHIBIT P6 : TRUE COPY OF THE ORDER DATED 31.08.2015 PASSED BY
RESPONDENT NO.2.

EXHIBIT P6(a) : :ENGLISH TRANSLATION OF EXT P6.

EXHIBIT P7 : TRUE COPY OF THE CERTIFICATE DATED 22.10.2015 ISSUED BY
THE MANAGING TRUSTEE AND TREASURER OF THE KANNAKI
TRUST, KERALA.

EXHIBIT P7(a) : ENGLISH TRANSLATION OF EXHIBIT P7.

EXHIBIT P8 : TRUE COPY OF THE CERTIFICATE DATED 01.10.2015 ISSUED BY
THE SECRETARY OF SREE MAHADEVA SAMSKARIKA SAMITHI,
ETTUMANOOR.

EXHIBIT P9 : TRUE COPY OF THE CERTIFICATE DATED 18.10.2015 ISSUED BY
THE PRESIDENT/SECRETARY/TREASURER OF SREE KRISHNA
VILASAM, NSS KARAYOGAM, ARUMANOOR.

EXHIBIT P9(a) : ENGLISH TRANSLATION OF EXHIBIT P9.

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EXHIBIT P10 : TRUE COPY OF THE STATEMENT DATED 10.10.2015 BY SAJEEVAN
M.S. A DEVOTTEE OF NAGARKAVU/SERPENT GROVE WHO ARE
REGULARLY VISITING AND OFFERING PRAYERS AT THE
NAGARKAVU/SERPENT GROVE.

EXHIBIT P11 : TRUE COPY OF THE STATEMENT DATED 10.10.2015 BY
ANOOPKMAR MA, A DEVOTTEE OF NAGARKAVU/SERPENT
GROVE WHO ARE REGULARLY VISITING AND OFFERING
PRAYERS AT THE NAGARKAVU/SERPENT GROVE.

EXHIBIT P12 : TRUE COPY OF THE REVISION PETITION DATED 30.10.2015
SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT NO.1
(EXCLUDING THE ANNEXURES).

EXHIBIT P12(a) : TRUE COPY OF THE APPLICATION FOR STAY DATED 21.11.2015
SUBMITTED BEFORE RESPONDENT No.1.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 35159 of 2015

Dated this the 03rd day of December, 2015

JUDGMENT

The petitioner, residing in Pampady Excise Range, has a Nagaraja Temple/Shrine on his property. His grievance is that within the prohibited area from the shrine, the respondents have been making efforts to establish a toddy shop. Aggrieved, when the petitioner approached this Court, through Exhibit P5, this Court directed him to approach the second respondent, who in turn passed Exhibit P6 order, it seems, negating the contentions of the petitioner.

2. Further aggrieved, the petitioner has filed a statutory revision, in which he is also said to have filed an interlocutory application.

3. In response to the submissions made by the learned counsel for the petitioner, the learned Government Pleader has submitted that the first respondent is willing to consider the statutory revision as well as the interlocutory application on merits at the earliest.

4. In the light of the submission of the learned Government Pleader, I do not see anything further remaining to be adjudicated upon in the present writ petition.

In the facts and circumstances, having regard to the respective submission of the learned counsel for the petitioner and the learned Government Pleader, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider Exhibits P12 statutory revision, after hearing the parties concerned, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-