

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 35421 of 2014 (C)

PETITIONERS: -

1. K.ANTONY, S/O. K.ENASU,
KAVARAIL HOUSE, VELLARAMKUNNU,
CHUNDAYIL, WAYANAD DISTRICT.
2. XAVIER SYAM, S/O. SEBASTIAN,
MOOTHEDATH HOUSE, OCHANATHURUTH P.O.,
ERNAKULAM.
3. PRAHLADAN K., S/O. KARUNAKARAN NAIR,
PRAHLAD BHAVAN, PAMBRA P.O.,
SULTHAN BATHERY, WAYANAD.
4. SCARIA JOSEPH, S/O. JOSEPH,
PANDYALAPADAVIL HOUSE, KODARANJI P.O.,
KALIRAMUKKU, KOZHIKODE.
5. A.K.KRISHNAN, S/O.P.G.AMBADY,
KUNDANMAD P.O., IRITTY, KASARAGOD.

BY ADVS.SRI.K.PRAVEEN KUMAR
SRI.S.SUJIN

RESPONDENTS: -

1. MANAGING DIRECTOR,
KERALA STATE BEVERAGES (M&M) CORPORATION LTD.,
SASTHAKRIPA OFFICE COMPLEX, SASTHAMANGALAM,
THIRUVANANTHAPURAM-695010.
2. KERALA STATE BEVERAGES (M&M) CORPORATION LTD.,
SASTHAKRIPA OFFICE COMPLEX, SASTHAMANGALAM,
THIRUVANANTHAPURAM-695010, REP. BY MANAGING DIRECTOR.
3. EXCISE COMMISSIONER, EXCISE COMMISSIONERATE,
THIRUVANANTHAPURAM-695001.
4. THE SECRETARY,
TAXES (G) DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

5. STATE OF KERALA ,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

R1-R2 BY ADV. SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORPORATION
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-11-2015, ALONG WITH WPC. 35429/2014, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C).No. 35421 of 2014 (C)

APPENDIX

PETITIONERS' EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE ORDER DATED 22-8-2014 ISSUED BY THE 4TH
RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE INTERIM ORDER DATED 10-11-2014 IN WPC NO.
4018/2014.

EXHIBIT P3 : TRUE COPY OF THE ORDER DATED 20-12-2014 ISSUED BY THE 4TH
RESPONDENT.

EXHIBIT P4 : TRUE COPY OF THE COUNTER AFFIDAVIT OF THE GOVERNMENT
IN WPC NO. 4018/2014.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 35421 of 2014

&

W.P. (c) No. 35429 of 2014

Dated this the 12th day of November, 2015

JUDGMENT

In the light of the Abkari policy recently adopted by the Government, the second respondent has closed certain retail outlets. In that context, the petitioners in both the writ petitions, being the employees of the second respondent, have apprehended that they would be rendered jobless. Accordingly, they have approached this Court questioning the action of the Government and also the second respondent beverages corporation in closing the shops in the name of excise policy.

2. The learned Standing Counsel for the second respondent has submitted that the policy has already been upheld by this Court. In support thereof, he has placed reliance on an unreported judgment, dated 16.10.2015, rendered by a learned Division Bench of this Court in W.P. © No. 31628/2015 (PIL).

3. The learned Standing Counsel has further submitted that the beverages corporation has ensured that no employee of the corporation is rendered jobless and that those working in the retail outlets that have been closed have only been shifted to some other shops.

4. The learned counsel for the petitioners, on her part, has submitted that if the respondent Corporation assures that the petitioners, the employees, are not going to be rendered jobless in the light of the policy decision to close shops in the faced manner, as has been reiterated in the counter affidavit, they rest satisfied. Accordingly, she has urged this Court to close the writ petitions after recording the submission of the learned Standing Counsel.

In the facts and circumstances, this Court having recorded the submission of the learned Standing Counsel that no employee is rendered jobless in the light of the policy of the Government, this Court closes the writ petitions as having not survived for further consideration.

DAMA SESHADRI NAIDU
JUDGE

DMR/-