

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 35449 of 2014 (E)

PETITIONER(S):

1. **THANKACHAN M.P., AGED 41 YEARS,
S/O. POULOSE, MAROOTTICUDY HOUSE, KALADY,
ERNAKULAM DISTRICT.**
2. **ALI P.P., AGED 47 YEARS,
S/O. PAREETH, PARALY HOUSE, ASHRAM ROAD,
KALADY, ERNAKULAM DISTRICT.**
3. **SHIBU V.P., AGED 43 YEARS,
S/O. PAPPAHAN, VALLOKKARAN HOUSE, OKKAL P.O.,
HANNIPPUZHA, KALADY, ERNAKULAM DISTRICT.**
4. **ANOOP M.P.,
S/O. PAPPU, MANICKATHAN HOUSE, KALADY,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.RAJU JOSEPH (SR.)
SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN**

RESPONDENT(S):

1. **THE KERALA STATE BEVERAGES CORPORATION LTD.,
P.B NO. 2263, SASTHAKRIPA OFFICE COMPLEX,
SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010,
REPRESENTED BY ITS MANAGING DIRECTOR.**
2. **THE KERALA STATE BEVERAGES CORPORATION LTD.,
RETAIL OUTLET AT KALADY, PERIYAR TOWERS,
KALADY PERUMBAVOOR, M.C ROAD, KALADY,
REPRESENTED BY ITS MANAGER - 679 582.**
3. **KALADY GRAMA PANCHAYATH,
KALADY, REPRESENTED BY ITS SECRETARY, KALADY,
ERNAKULAM DISTRICT - 679 582.**

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* ADDITIONAL R4 IMPEADED.

4. THE SECRETARY (HOME AFFAIRS),
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.

* ADDITIONAL R4 IMPEADED AS PER ORDER DTD.4.8.2015 IN IA.11201/2015

R1 & R2 BY ADV. SRI.C.S.AJITH PRAKASH, SC
R3 BY ADV. SRI.SREEPRAKASH K.NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - THE PHOTOGRAPH SHOWING THE TRAFFIC BLOCK OCCURRED DUE TO THE UNAUTHORIZED PARKING OF VEHICLES IN THE NATIONAL HIGHWAY AT KALADY COMING FOR PURCHASE OF LIQUORS.

P2 - NEWS ITEM PUBLISHED BY MATHRUBHUMI DAILY DTD. 09.11.14.

P3 - TRUE COPY OF THE REPRESENTATION DTD. 02.12.14 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

P4 - TRUE COPY OF THE REPRESENTATION DTD. 02.12.14 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.

P5 - TRUE COPY OF THE INTERIM ORDER DTD.10.11.2014 IN WP(C) NO.4018/2014.

P6 - TRUE COPY OF THE REPRESENTATION DTD.23.7.2015 FILED BY THE PETITIONERS.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 35449 of 2014

Dated this the 4th day of August, 2015.

JUDGMENT

Petitioners are seeking a direction to the fourth respondent to consider Ext.P6 application submitted by them.

2. The first respondent is conducting an out let of Kerala State Beverages Corporation Ltd at Kalady Junction as per licence number FL-1-07034 in a building situated in a narrow pathway just near to the shops of the petitioners at Kalady Junction. The petitioners alleges that due to the unauthorised parking of vehicles of persons who came for purchase of liquors, there occurred heavy traffic block and obstruction in front of the shops of the petitioners as evidenced by Ext.P1 photograph and Ext. P2 news item published by Mathrubhumi daily dated 9.11.2014. As the first and 4th petitioner is doing the business of hill produces, due to the unauthorised parking of vehicles in front of his shop room, vehicles for taking load of hill produces cannot reach the shops

of the petitioners and it affects his business to a large extent. There are so many schools functioning near the out let conducted by the first respondent at Kalady junction and the students and teachers are taking bus from the bus stop situated near the petitioners shops. Moreover, the line of people standing there for purchasing liquor extends to the national highways in front of the shops of the petitioners. As the pathway leading to the outlet where people are crowded is very narrow and it affects the petitioners and other shop owners to a great extent. In addition to that, the persons who purchase liquor from the said outlet are consuming then and there and is causing nuisance to the petitioners, students and persons including ladies waiting in the bus stop and the persons who came to the shops of the petitioners. It is further alleged that there are several vacant buildings and shop rooms available there and the out let of the first respondent can be functioned there without causing obstruction to the petitioners, traffic and general public. It is highly necessary to shift the

out let of the first respondent situated at Kalady junction to any other suitable place. Though the petitioners and others made Exts.P3 and P4 representation before the first and third respondents for redressal of their grievance, yet the respondents has not considered and acted upon it. It is with this background, the petitioners have come up before this Court.

3. I have heard the learned counsel for the petitioner, the learned standing counsel for the respondents 1 and 2 and the learned senior counsel for the 4th respondent in the matter.

4. Subsequent to the filing of the writ petition, the additional 4th respondent was impleaded.

As the learned senior counsel for the petitioner confined his argument to the limited prayer for a direction to the fourth respondent, the writ petition is disposed of directing the fourth respondent to consider and pass appropriate orders on Ext.P6 in the light of Ext.P5, after affording the petitioner and the affected parties including the respondent panchayath an

opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.