

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

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

WP(C).No. 36521 of 2015 (S)

PETITIONER(S):

**P.HAFEEZULLA,
PRESIDENT, ORUMA GARDENS RESIDENTIAL COLONY,
KALARIPPARAMBIL, MARUTHARODE, PALAKKAD.**

**BY ADVS.SRI.H.BADARUDDIN
SMT.B.SHAMEERA**

RESPONDENT(S):

- 1. THE MANAGING DIRECTOR,
KERALA STATE BEVERAGES CORPORATION,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE KERALA STATE BEVERAGES (M&M)
CORPORATION, WARE HOUSE, PALAKKAD-678 001,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 3. THE MARUTHARODE GRAMA PANCHAYATH,
REPRESENTED BY ITS PRESIDENT, MARUTHARODE
PALAKKAD - 678 007.**
- 4. THE DISTRICT COLLECTOR,
PALAKKAD - 678 001.**

**R1&2 BY ADV. SRI.C.S.AJITH PRAKASH,SC
R4 BY SENIOR GOVERNMENT PLEADER SRI.P.DAVIS**

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE REPRESENTATION MADE BY INHABITANTS OF THE LOCALITY BEFORE THE MANAGING DIRECTOR OF KERALA STATE BEVARAGES CORPORATION DATED 10.5.2015.
- P1(A)- TRUE COPY OF THE REPRESENTATION DATED 21.2.2012 MADE BY SRI.V.PREM SUNDAR OF THE PROTESTANT BODY BEFORE THE CHIEF MINISTER OF KERALA, THIRUVANANTHAPURAM.
- P1(B)- TRUE COPY OF THE REPRESENTATION SUBMITTED BY V.PREM SUNDAR, REPRESENTATIVE OF THE NEIGHBOURHOOD OF THE OUTLET AT MARUTHARODE, PUTHUSSERRY MADE BEFORE EXCISE MINISTER.
- P1(C)- TRUE COPY OF A MASS PETITION SUBMITTED BY SRI.ARUN KUMAR AND OTHERS MADE BEFORE THE MINISTER FOR EDUCATION.
- P1(D)- TRUE COPY OF THE MESSAGE FROM THE OFFICE OF THE MINISTER FOR EXCISE AND PORT TO MR.V.C.KABEER, EX-MINISTER, KERALA.
- P1(E)- TRUE COPY OF THE REPRESENTATION DATED 24.12.2011 FROM PRASAD, TRIPRAYAR FOR THE BODY OF PROTESTANT MADE BEFORE THE DISTRICT COLLECTOR, PALAKKAD.
- P1(F)- TRUE COPY OF THE REPRESENTATION DATED 10.3.2013 FROM THE SECRETARY OF THE PROTESTANTS BODY MADE BEFORE THE AUTHORITIES OF BEVERAGES CORPORATION.
- P2- TRUE COPY OF THE MASS PETITION NIL DATED SUBMITTED BY THE RESIDENTS OF ORUMA GARDENS HOUSING COLONY AT PUTHUSSERRY.
- P2(A)- TRUE COPY OF THE LETTER DATED 15.5.2012 FROM THE MANAGER, KERALA STATE BEVERAGES CORPORATION, WAREHOUSE, PALAKKAD.
- P2(B)- TRUE COPY OF THE LETTER DATED 2.3.2012 FROM THE MANAGER, KERALA STATE BEVERAGES CORPORATION, WAREHOUSE, PALAKKAD TO THE DEPUTY EXCISE COMMISSIONER, PALAKKAD.
- P3- TRUE COPY OF THE MESSAGE FROM THE MANAGING DIRECTOR, KERALA STATE BEVERAGES CORPORATION, PALAKKAD.
- P4- TRUE COPY OF THE LETTER FROM SRI.V.PREM SUNDAR FOR THE REPRESENTATIVE OF THE PROTESTANTS BODY DATED 13.2.2013 MADE BEFORE THE SECRETARY, MARUTHARODE PANCHAYATH.
- P4(A)- TRUE COPY OF THE REPRESENTATION FROM KERALA LIQUOR PROHIBITION DEMANDERS DATED 13.2.2012 MADE BEFORE K.N.SREEDEVI, PUTHUSSERRY GRAMA PANCHAYATH.

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**P5- TRUE COPY OF THE LETTER FROM THE SECRETARY OF MARUTHARODE
GRAMA PANCHAYATH DATED 29.3.2012 TO THE PROTESTANTS BODY.**

**P5(A)- TRUE COPY OF THE MINUTES NOTE OF THE MARUTHARODE GRAMA
PANCHAYATH OF THE DECISION NO.3 DATED 2.3.2012.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 36521 of 2015

Dated this the 3rd day of December, 2015

JUDGMENT

Shaffique, J

This writ petition has been filed in the form of public interest litigation seeking for the following relief:

“ To issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to initiate appropriate legal steps to close down the functioning of Foreign Liquor shop bearing No.FL/1/9015, situated near the Palam bus stop at National Highway-47, Puthusserry at Palakkad within the precincts of 3rd respondent Grama Panchayat by taking note of the individual and mass petitions, as expeditiously as possible in a time frame manner.”

2. Heard learned counsel for the petitioner and the learned counsel appearing for respondents 1 and 2.

3. Perusal of the averments in the writ petition indicates that the petitioners complaints about the retail outlet of Foreign Liquor shop being functioning near the National Highway-47. According to the petitioner the same causes nuisance to public at large.

4. It is evident that though petitioner has ventilated

grievance of public at large, no attempt has been made to approach the Excise Commissioner for re-locating the said shop. In fact it is the Excise Commissioner, who grants permission to locate the retail outlet for first and second respondents.

In such circumstances, we are of the view that this writ petition can be disposed of in the following manner :

The petitioner is at liberty to submit necessary representation before the Excise Commissioner, who shall look into the representation and after conducting necessary enquiry into the matter either by himself or through his delegate, appropriate orders may be passed within a period of three months from the date of receipt of a copy of this judgment.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFIQUE,
JUDGE