IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 19TH DAY OF JULY 2024 / 28TH ASHADHA, 1946

WP(C) NO. 4996 OF 2021

PETITIONER:

BIBIN P. BENNY
AGED 30 YEARS
S/O. BENNY P.V., PATTASSERIL HOUSE, MULANTHURUTHY P.O., ERNAKULAM DISTRICT, PIN-682314.

BY ADVS.
M.G.KARTHIKEYAN
SRI.NIREESH MATHEW

RESPONDENTS:

1. **THE EXCISE COMMISSIONER COMMISSIONERATE OF EXCISE, EXCISE HEAD QUARTERS, NANDAVANAM, THIRUVANANTHAPURAM-695033.**
2. **THE DEPUTY COMMISSIONER OF EXCISE, KACHERIPADY, ERNAKULAM-682018.**
3. **THE CIRCLE INSPECTOR OF EXCISE, ERNAKULAM, PIN-682018.**
4. **STATE OF KERALA, REP. BY ITS SECRETARY, TAXES (A) DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695001.**
5. **THE MANAGER, FL-1 SHOP NO.7004, KERALA STATE CO-OPERATIVE CONSUMER FEDERATION LTD., KADAVANTHRA JUNCTION, COCHIN-682021.**
6. **KERALA STATE CO-OPERATE CONSUMER FEDERATION LTD., GANDHI NAGAR P.O., COCHIN-682020, REPRESENTED BY ITS MANAGING DIRECTOR.**
7. **THE MULANTHURUTHY GRAMA PANCHAYATH, MULANTHURUTHY P.O., ERNAKULAM, PIN-682314, REP. BY ITS SECRETARY.**

BY ADVS.
SRI.M.SASINDRAN
SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.MANJUNATH MENON

SRI.AJAY BEN JOSE
SRI.R.GITHESH
SHRI.HARIKRISHNAN S.

OTHER PRESENT:

SRI.RIYAL DEVASSY, GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

(Dated this the 19th day of July, 2024)

The Writ Petition is filed for the following reliefs:

> *"i) Declare that the proposed shifting of FL-1 Shop No. 7004 from Kadavanthra town to Mulanthuruthy in the building owned by the 7th respondent is illegal and against Rule 24 of the Foreign Liquor Rules and also within 200 meters from a Church;*
> *ii) Issue a writ of mandamus or other appropriate writ, order or direction commanding the 1st respondent to consider and pass orders on Ext.P1 after giving an opportunity of hearing to the petitioner within a stipulated time."*

2. The counsel for the 6th respondent submits that the shop which was opened in Mulanthuruthy has now been shifted to Thiruvankulam and there is no FL-1 shop working in Mulanthuruthy.

Accordingly, this Writ Petition is closed.

Sd/-
BASANT BALAJI
JUDGE

Mms

APPENDIX OF WP(C) 4996/2021

PETITIONER'S EXHIBIT

EXHIBIT P1	**PHOTOCOPY OF THE PETITION DATED 23.2.2021 SENT TO THE 1ST RESPONDENT WITH COPY TO RESPONDENTS 2 TO 4.**

RESPONDENTS EXHIBIT

EXHIBIT R6(a)	**TRUE COPY OF THE LICENSE ISSUED BY THE 1ST RESPONDENT.**
EXHIBIT R6(b)	**TRUE COPY OF THE CERTIIFICATE ISSUED BY THE 7TH RESPONDENT GRAMA PANCHAYAT DATED 10.02.2021.**