

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE S.SIRI JAGAN**

**FRIDAY, THE 27TH FEBRUARY 2009 / 8TH PHALGUNA 1930**

**WP(C).No. 6445 of 2009(A)**  
-----

**PETITIONER(S):**  
-----

**SHAJI S.,  
KOZHIKODE ROADARIKATH VEEDU, ANAVOOR PO  
THIRUVANANTHAPURAM.**

**BY ADV. MR.N.RAGHURAJ  
MS.K.AMMINIKUTTY**

**RESPONDENT(S):**  
-----

- 1. THE STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT  
DEPARTMENT OF TAXES, GOVERNMENT SECRETARAIT  
THIRUVANANTHAPURAM.**
- 2. THE ADDITIONAL COMMISSIONER OF EXCISE  
EXCISE COMMISSIONERATE, THIRUVANANTHAPURAM.**
- 3. THE ASSISTANT EXCISE COMMISSIONER  
THIRUVANANTHAPURAM.**
- 4. GOPALAKRISHNAN, S/O GOVINDAN  
KUNNIPURATHU VEEDU, ARUVIKKARA VILLAGE  
NEDUMANGAD, THIRUVANANTHAPURAM.**
- 5. KERALA KUMAR, S/O, LAKSHMANA PANICKER  
KASTHURI BHAVAN, MARANALLOOR  
NEYATTINKARA, THIRUVANANTHAPURAM.**
- 6. BALACHANDRAN, S/O.KRISHNANKUTTY  
PACHALLOOR MUDUMBIL HOUSE  
THIRUVALLOM, THIRUVANANTHAPURAM.**
- 7. PRADEEP, S/O. SADASIVA PANICKER  
NELLISSERIKKARA, GOURIVILASAM, VELLARADA  
NEYATTINKARA, THIRUVANANTHAPURAM**

**GOVERNMENT PLEADER MR. K.V. MANOJ KUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 27/02/2009, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**S. SIRI JAGAN, J.**

-----  
**W.P.(C)No.6445 OF 2009**  
-----

Dated this the 27<sup>th</sup> day of February, 2009

**JUDGMENT**

A dispute between the petitioner on the one hand and respondents 4 to 7 on the other is pending consideration in respect of grant of toddy shop licence in Group No.1 of Kattakada Excise Range. The petitioner alleges that although they were joint licencees for the previous years, renewal of licence had been obtained by respondents 4 to 7 by fraudulent means excluding the petitioner from the licence. Subsequently, while conducting the toddy shop as per the licence, sale of illicit toddy has been detected, pursuant to which a crime and occurrence report has been filed. According to the petitioner, although the sale of illicit toddy is an offence punishable under Section 55(a) of the Abkari Act, the excise officials have incorporated only Section 56(b) in the crime and occurrence report which is only a minor offence. Bringing this alleged irregularity to the notice of the 2<sup>nd</sup> respondent, the petitioner has submitted Ext.P4 representation

before the 2<sup>nd</sup> respondent. The petitioner seeks a direction to the 2<sup>nd</sup> respondent to consider and pass orders on Ext.P4 expeditiously.

2. I have heard the learned Government Pleader also. In the nature of the order I propose to pass I do not find it necessary to issue notice to respondents 4 to 7 at this juncture.

In the above circumstances, this writ petition is disposed of with a direction to the 2<sup>nd</sup> respondent to consider and pass orders on Ext.P4, after affording an opportunity of being heard to the petitioner as well as respondents 4 to 7 as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. The petitioner shall forward a certified copy of this judgment along with a copy of the writ petition to the 2<sup>nd</sup> respondent for compliance.

**S. SIRI JAGAN, JUDGE**

Acd

