

Lizzy Mathew Philip Vs. the Excise Commissioner

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Court : Kerala

Decided On : Jan-27-2014

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : Lizzy Mathew Philip

Respondent : The Excise Commissioner

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR MONDAY, THE 27TH DAY OF JANUARY 2014 7TH MAGHA, 1935 WP(C).No. 2586 of 2014 (W) ----- PETITIONER(S): ----- LIZZY MATHEW PHILIP, AGED 58 YEARS W/O MATHEW PHILIP, PROPRIETRESS, HOTEL THE LANDMARK KAYAMKULAM, ALAPPUZHA DISTRICT BY ADVS.SRI.C.C.THOMAS (SR.) SRI.NIREESH MATHEW SRI.M.G.KARTHIKEYAN RESPONDENT(S): ----- 1. THE EXCISE COMMISSIONER, COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM 69503 2. THE DEPUTY COMMISSIONER OF EXCISE, ALAPPUZHA 3 THE CIRCLE INSPECTOR OF EXCISE, HARIPPAD, ALAPPUZHA DISTRICT BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-01-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 2586 of 2014 (W) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT P1 :

PHOTOCOPY OF THE STAR CLASSIFICATION CERTIFICATE ISSUED BY THE MINISTRY OF TOURISM, GOVT OF INDIA EXHIBIT P2 : PHOTOCOPY OF THE APPLICATION DATED 27-03-2013 SUBMITTED BEFORE THE 2ND RESPONDENT THROUGH PROPER CHANNEL EXHIBIT P3 : PHOTOCOPY OF THE

ORDER

NO XC6-18473/11 DATED 03-09-2011 PASSED BY THE 1ST RESPONDENT EXHIBIT P4 : PHOTOCOPY OF THE

ORDER

NO XC7-9998/09/R. DIS DATED 31-03-2012 PASSED BY THE 1ST RESPONDENT EXHIBIT P5 : PHOTOCOPY OF THE

ORDER

NO XC6-19501/12/D.DIS DATED 27-07-2012 PASSED BY THE 1ST RESPONDENT RESPONDENT(S)' EXHIBITS: NIL. //TRUE COPY// P.A. TO JUDGE. dlk C.T.RAVIKUMAR, J ----- W.P.(C) No. 2586 of 2014 ----- Dated this the 27th day of January, 2014

JUDGMENT

The petitioner is holding a FL-3 license with No.A-34 and on the strength of the same she has been conducting a three star classified hotel by name 'Hotel The Landmark' in Kayamkulam. The petitioner used to go abroad with her husband and therefore, she decided to form a private limited company along with her husband. For incorporating a private limited company in the name and style of 'RNL Gardens Hotels (P) Ltd'. the petitioner submitted Ext.P2 application as prior sanction in tune with the provisions under Rule 19 of the Foreign Liquor Rules is required for that purpose. It is still pending. The short prayer of the petitioner is for a direction to the first respondent to consider the same and pass appropriate orders thereon.

2. I have heard the learned counsel for the petitioner and also the learned Government Pleader.

3. The contention of the petitioner is that W.P.(C) No. 2586 of 2014 2 she has filed Ext.P2 application seeking prior sanction from the first respondent in tune with the provisions under Rules 19 of the Foreign Liquor Rules for incorporating a private limited company in the name and style 'RNL Gardens Hotel (P) Ltd. It is the further contention that the first respondent is competent to consider the same and pass appropriate orders, in accordance with law. In the circumstances, considering the contentions and without making any observation as to the entitlement or otherwise of the petitioner to get the sanction for the same this writ petition is disposed of with a direction to the first respondent to consider Ext.P2 application and pass appropriate orders thereon in accordance with law, expeditiously and at any rate within a period of six weeks from the date of receipt of a copy of this judgment in case, he is the authority competent to pass orders thereon. Sd/- C.T.RAVIKUMAR,JUDGE. dlk

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