

Baisil Vs. State of Kerala

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Court : Kerala

Decided On : Feb-17-2014

Judge : Honourable Mr.Justice K.T.Sankaran

Appellant : Baisil

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.T.SANKARAN & THE HONOURABLE MR. JUSTICE P.UBAID MONDAY, THE17H DAY OF FEBRUARY201428TH MAGHA, 1935 WP(C).No. 4683 of 2014 (S) PETITIONER: BAISIL ATTIPETY @ BASIL.A.G ATTIPETTY HOUSE, NAYARAMBALAM PO, KOCHI682509 BY ADV. SRI.A.G.BASIL RESPONDENTS:

1. STATEOF KERALA REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM695001.

2. SECRETARY TO GOVERNMENT CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM695001.

3. DIRECTOR OF CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT

THIRUVANANTHAPURAM695001.

4. MINISTRY OF CONSUMER AFFAIRS FOOD AND PUBLIC DISTRIBUTION REPRESENTED BY SECRETARY TO DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION KRISHIBHAVAN, BAPA NAGAR, NEW DELHI110001.

5. THE SECRETARY KERALA RATION VYAPARI CO-ORDINATION COMMITTEE THIRUVANANTHAPURAM695001. SRI.P.PARAMESWARAN NAIR,ASG OF INDIA R5 BYADV. SRI.C.K.PAVITHRAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON172.2014, THE COURT ON THE SAME DAYDELIVERED THE FOLLOWING: WP(C).No. 4683 of 2014 (S) APPENDIX PETITIONER'S EXHIBITS EXHIBIT P1 TRUE COPY OF THE PAPER REPORT APPEARED IN MATHRUBHUMI DAILY ON152/2014 WITH REGARD TO THE COMMENCEMENT OF THE INDEFINITE STRIKE OF THE RATION SHOP OWNERS WITH ENGLISH TRANSLATION.EXHIBIT P2 TRUE COPY OF THE REPRESENTATION DATED152/2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT. EXHIBIT P3 TRUE COPY OF THE ESSENTIAL SERVICE MAINTENANCE ACT 1981 RESPONDENTS' EXHIBITS: NIL //TRUE COPY// AHZ/ K.T.SANKARAN & P.UBAID, JJ.

----- W.P.(C) NO.4683 OF2014S

----- Dated this the 17th day of February, 2014

JUDGMENT

K.T.Sankaran, J.

This is a public interest litigation filed by Baisil Attipety @ Basil.A.G., complaining about the indefinite strike commenced by the members of the Kerala Ration Vyapari Co-ordination Committee,by closing the ration shops. The reliefs prayed for in the Writ Petition are the following: "(a) Issue a Writ of Mandamus, or any other Writ, Order or Direction, directing 1st Respondent to prohibit indefinite strike commenced by the ration dealers and ration retail shop owners from 15th February, 2014; (b) Direct the 1st respondent to invoke the provisions of Essential Service Maintenance Act on the indefinite strike commenced by the ration dealers and ration retail shop owners from 15th February, 2014; (c) Direct Respondents 1,

2 and 3 to ensure that the rations articles are supplied to the ration card W.P.(C) NO.4683 OF2014S ::

2. :: holders of Kerala through the retail ration shops without any hindrance or interruption; (d) Grant such other appropriate relief to the Petitioner as this Hon'ble Court may deem fit and proper in the interest of justice." Sri.C.K.Pavithran, the learned counsel appearing for the fifth respondent submitted that the strike called for by the fifth respondent was withdrawn today morning and, therefore, it is not necessary to consider the Writ Petition on the merits. The submission made by the learned counsel for the fifth respondent is recorded and the Writ Petition is, accordingly, closed. If it is found that the strike is not withdrawn as stated by the learned counsel for the fifth respondent, the petitioner would be entitled to file a memo in the Writ Petition, in which case, the Writ Petition shall stand revived and shall be posted for further orders. (K.T.SANKARAN) Judge (P.UBAID) Judge ahz/

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