

Manoj a vs the State of Kerala

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Court : Kerala

Decided On : Apr-09-2024

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : WP(C)/14647/2024

Appellant : Manoj a

Respondent : The State of Kerala

Advocate for Pet/Ap. : Sri. N.Raghuraj

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN TUESDAY, THE 9TH DAY OF APRIL 2024 / 20TH CHAITHRA, WP(C) NO. 14647 OF 2024 PETITIONER/S: MANOJ A AGED 53 YEARS S/O. AMBUJAKSHY C.K., KALARICKAL, MUHAMMA P.O., ALAPPUZHA, PIN - 688525 BY ADVS. SAYUJYA RANCE R. VIVEK MENON RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT, TAXES (A) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE COMMISSIONER OF EXCISE EXCISE COMMISSIONERATE, EXCISE

HEADQUARTERS, NANDAVANAM, THIRUVANANTHAPURAM, PIN - 695033 3 THE DEPUTY COMMISSIONER OF EXCISE EXCISE DIVISION OFFICE, EXCISE COMPLEX, IRON BRIDGE P.O., NEAR GENERAL HOSPITAL, ALAPPUZHA, PIN - 688011 BY SR.G.P. SMT. REKHA C. NAIR. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is the licensee in respect of the toddy shops in Group No.X of Alappuzha Excise Range under Alappuzha Excise Division. Group No. X of Alappuzha Excise Range comprises of T.S. Nos. 40,47,48,49,50 &

91. He states that among the toddy shops only T.S.

Nos.49 & 50 are functioning now. The other four shops are not licensed for want of suitable buildings beyond the prohibited distance within their respective schedule limits. Therefore the petitioner is constrained to accommodate the employees attached to the un-licensed toddy shops in T.S. Nos.49 & 50. T.S. No. 40 is one among the un-licensed toddy shop in Group No. X for which the petitioner could not find out an unobjectionable site. The petitioner has now come across a small bit of land abutting the eastern boundary of the schedule limits of T.S. No.40, which is not included in the schedule limits of any other toddy shops. Accordingly, the petitioner submitted Ext. P1 application before the 2 nd respondent through the 3rd respondent seeking to alter the schedule limits of T.S. No.40 along with Ext. P2 sketch and Ext. P3 schedule.

2. The limited prayer of the petitioner is for a direction to the 2nd respondent to consider Ext. P1 application expeditiously.

3. Heard Sri. N.Raghuraj the learned Senior

counsel for the petitioner and Smt. Rekha C. Nair, the learned Senior Government Pleader for the respondents. In the facts and circumstances of the case and

having regard to the submissions made across the Bar, there will be a direction to the 2nd respondent to consider Ext. P1 application of the petitioner seeking alteration of the schedule limits of T.S. No.40 along with Ext. P2 sketch and Ext. P3 schedule in accordance with law and as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this

judgment.

The writ petition is disposed of. Sd/- MURALI PURUSHOTHAMAN JUDGE al/- .09.04.2024. APPENDIX OF WP(C) 14647/2024

PETITIONER EXHIBITS Exhibit P1 TRUE PHOTOCOPY OF THE APPLICATION DATED 24.01.2024 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT. Exhibit P2 TRUE PHOTOCOPY OF THE SKETCH APPENDED TO EXT. P1. Exhibit P3 TRUE PHOTOCOPY OF THE EXISTING SCHEDULE LIMITS AND THE PROPOSED SCHEDULE LIMITS OF T.S.NO. 40/2023- 2024 (THUMBOLI EAST) APPENDED TO EXT. P1.

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