

Ashraf L vs State of Kerala

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Court : Kerala Orders

Decided On : Dec-22-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr. Justice G.Girish

Appeal No. : WP(C)/43857/2023

Appellant : Ashraf L

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN & THE HONOURABLE MR.JUSTICE G. GIRISH FRIDAY, THE 22ND DAY OF DECEMBER 2023/1ST POUSHA, 1945 WP(C) NO.43857 OF 2023 PETITIONER: ASHRAF L AGED 60 YEARS S/O ISMAIL KANI, HASHIM MANZIL, KOMALAM KUNNU POST, PUNALLOOR, PIN - 691305 BY ADVS. T.M.RAMAN KARTHA SYAMA MOHAN MANJULA NAIR GREESHMA T.G. REVATHY M.A. M.S.SOUJATH SNEHA BRIGIT PRINCE RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT REVENUE (DEVASWOM) DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 TRAVANCORE

DEVASWOM BOARD - TDB DEVASWOM HEAD QUARTERS ,NANTHANCODE , THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY, PIN - 695003 3 THE DEVASWOM COMMISSIONER TRAVANCORE DEVASWOM BOARD DEVASWOM HEAD QUARTERS, NANTHANCODE, THIRUVANANTHAPURAM, PIN - 695003 4 THE EXECUTIVE OFFICER SABARIMALA, TRAVANCORE DEVASWOM BOARD, SABARIMALA, PATHANAMTHITTA, PIN - 689662 5 THE DISTRICT POLICE CHIEF PATHANAMTHITTA, OFFICE OF THE DISTRICT POLICE CHIEF, PATHANAMTHITTA, PIN - 689645 6 STATION HOUSE OFFICER PAMPA POLICE STATION, THRIVENI-PAMPA, PATHANAMTHITTA DISTRICT, PIN - 689662 SRI S.RAJMOHAN - SR GOVERNMENT PLEADER ; SRI G.BIJU - STANDING COUNSEL - TRAVANCORE DEVASWOM BOARD THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The petitioner, who is the successful bidder for Kuthaka Item No.84B in Sabarimala Devaswom during Mandala-Makaravilakku festival season of 1199 M.E., has filed this Writ Petition under Article 226 of the Constitution of India to declare that the petitioner is authorised to store the empty bottles of soft drink Ruby and return the same to the supplier by virtue of the terms of his contract with Devaswom Board to run Kuthaka item 84B and to direct the respondents to render protection to the petitioner for storing within his shop the empty bottles of Ruby brand soft drink, so as to return the same to the supplier, as per the terms of the contract.

2. The learned Standing Counsel for Travancore Devaswom

Board, on instructions, would submit that the petitioner has defaulted payment of the balance bid amount and also the security deposit amounting to Rs.5 lakhs.

The dues towards the balance bid amount comes to Rs.30 lakhs plus 18% interest from the respective due dates.

3. The learned counsel for the petitioner, on instructions,

would submit that the petitioner is not a defaulter. After arguing for some time, the learned counsel for the petitioner seeks permission to withdraw this writ petition.

4. Based on the aforesaid submission made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn.

5. In case the petitioner has defaulted payment, it is for the

Board and the Executive Officer to take immediate steps to terminate his Kuthaka right in respect of Kuthaka item No.84B and recover the dues, in accordance with law, by initiating revenue recovery proceedings. ANIL K. NARENDRAN, JUDGE
G. GIRISH, JUDGE vgd

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