

Saju, vs State of Kerala,

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Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : WP(C)/8290/2020

Appellant : SAJU,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN
TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942
PETITIONER: SAJU, AGED 54 YEARS S/O.ANTONY, PAINADATH
HOUSE, KIDANGOOR (P.O.), THURAVOOR VILLAGE, ALUVA TLAUK,
ERNAKULAM DISTRICT. BY ADV. SRI.SEBIN SEBASTIAN
RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, TAXES (A) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001. 2 THE COMMISSIONER OF EXCISE, COMMISSIONERATE
OF EXCISE, EXCISE HEAD QUARTERS, NANDAVANAM,
THIRUVANANTHAPURAM, PIN - 695 033. 3 THE ADDITIONAL

EXCISE COMMISSIONER (ENFORCEMENT), PIN - 695 033.

4 THE DEPUTY COMMISSIONER OF EXCISE, ERNAKULAM, PIN - 682018. 5 VIGILANCE OFFICER (EXCISE), PIN - 695033. 6 MANJULA NARAYANAN, W/O.LATE K.NARAYANAN, KOLLENTEPARAMBIL HOUSE, PANAYIKULAM (P.O.), ALANGAD VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT 7 SUDHI, S/O.DHARMAJAN, KANDATHIL HOUSE, CHENNAMANGALAM (P.O.), PARAVUR TALUK, ERNAKULAM DISTRICT 8 SOORAJ P.S., S/O.SOMAN, PARASSERY HOUSE, NORTH PARAVUR (P.O.), PARAVUR TALUK, ERNAKULAM DISTRICT R6-8 BY ADV. SHRI.BALAMURALI K.P. BY SR.GOVERNMENT PLEADER:SMT.SHEEJA.C.S THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Respondents 6 and 7 are the licensees of a Toddy Shop. The petitioner alleges that though in violation of Rule 7(23) of the Kerala Abkari Shops (Disposal) Rules, 2002, an agreement was entered into between the petitioner and respondents 6 and 7 whereby, the petitioner was to conduct business as a benami of respondents 6 and 7. Subsequently, the relationship fell through. According to the petitioner, thereafter, respondents 6 and 7 are adopting the same procedure and is conducting the business through 8th respondent as a benami.

2. Alleging conduct of business in violation of the

rules, the petitioner has filed Ext.P1 complaint before respondents 2 to 5. The petitioner seeks for a direction for consideration of the same. The petitioner admittedly being a party to the illegal transactions, has no right to seek for invocation of the discretionary jurisdiction of this Court. If there is any statutory violation, it is for the statutory authorities to look into the same. No directions in the said regard are called for. The writ petition is dismissed. Sd/- SATHISH NINAN JUDGE rsr APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER

BEFORE THE 2ND RESPONDENT DATED 27/02/2020. EXHIBIT P2 TRUE PHOTOCOPY OF THE POSTAL RECEIPTS.

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