

(2014) 11 KL CK 0201

In the High Court Of Kerala

Case No : W.P. (C). Nos. 19924, 23812, 23820, 23828, 23829, 23830, 23831, 23848, 24024, 24036, 24063, 24101, 24126, 24146, 24150 and 24254 of 2014

G. Soman

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 07-11-2014

Acts Referred:

Citation : (2014) 11 KL CK 0201

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : N. Dharmadan Sr. Advocate and D.P. Renu, Advocate for the Appellant; Tom K. Thomas, Spl. Govt. Pleader, Advocate for the Respondent

Judgement

K. Surendra Mohan, J.—These writ petitions are filed by bar attached hotels, whose licenses have not been renewed for the period commencing from 1.4.2014. The petitioners are refused renewal of their licenses on the ground that, they do not maintain the standards that are stipulated by the Foreign Liquor Rules. They have been referred to as the non-standard hotels. It is stated that, 418 such hotels have been refused renewal of their licenses.

2. Initially, there was a proposal to conduct inspections of all the non-standard hotels and to renew the licenses of those hotels that were found to maintain the requisite standards. In fact the orders of this Court in the previous proceedings reveal that inspection of some of the hotels were also conducted. However, in the meantime, the Abkari Policy 2014-15 was brought into force. As per the new Abkari Policy, the Government decided that the FL-3 licenses of 418 non-standard hotels need not be renewed and that, only the hotels having Five Star classification need be issued with FL-3 licenses in future. The said Abkari Policy was the subject matter of challenge in W.P. (C) No. 22195 of 2014 and connected cases. As per judgment dated 30.10.2014, I have sustained the Abkari Policy 2014-15 substantially, finding that the same was liable to be interfered with only

in so far as it has sought to disentitle hotels having Four Star and Heritage classifications from being granted FL-3 licenses. The resultant position therefore is that, all hotels having Four Star, Heritage and Five Star classifications have been found entitled to be considered for the grant of FL-3 licenses.

3. Writ appeals have been filed against the said judgment, which are pending. The Division Bench has granted interim orders directing that the status quo obtaining as on the date of notifying the Abkari Policy 2014-15 shall be continue. However, in the case of the 418 non-standard hotels, their licenses were not renewed after 31.03.2014. Therefore, the said hotels are not entitled to continue their business even as per the interim order granted by the Division Bench. In these writ petitions, the non-standard hotels have also challenged the Abkari Policy 2014-15.

4. In the judgment dated 30.10.2014 in W.P. (C) No. 22195 of 2014 and connected cases, the exclusion of hotels with a classification lesser than Four Star has been sustained. The present petitioners are owners of hotels whose facilities are admittedly below that of Four Star Hotels. Therefore, in view of the Abkari Policy as well as the judgment dated 30.10.2014, no relief could be granted to these petitioners.

5. According to Sri. N. Dharmadan, the learned Senior Counsel, who appears for the petitioner in W.P. (C) No. 19924 of 2014, the hotels in question have upgraded their facilities to the level of Four Star hotels. It is also contended that, the petitioner therein has stocked large quantities of liquor valued at around 60,00,000/- anticipating sale in his hotels. Some of the stock, according to the learned Senior Counsel, would have been lost, because the entire stock has been kept sealed by the Excise Authorities. He seeks the issue of appropriate directions for the stock of liquor to be taken back without delay. The counsel also seeks the issue of appropriate directions for consideration of the representations pending before the Excise Authorities.

6. The learned Government Pleader, Sri. Tom K. Thomas, submits that a circular has already been issued by which, the Excise Authorities have offered to take back the entire stock of liquor remaining in the hotels whose licenses have been refused renewal. It shall be open to the petitioner to make a representation specifying the details of the stock available in his establishment. The Government Pleader assures that necessary action would be taken in the matter without delay.

7. In view of the submissions of the Government Pleader, it is not necessary for me to issue any further direction in this regard. Since it is admitted that, the hotels of the petitioner have not been granted with any certificate of Four Star classification by the Ministry of Tourism, I do not think any purpose would be served by directing the representations submitted by them to be considered.

For the above reasons, these writ petitions are dismissed, following the judgment dated 30.10.2014 in W.P. (C) No. 22195 of 2014 and connected writ petitions. With respect to the return of the stock of liquor, that is remaining sealed within

the premises of the hotels, whose licenses have been refused to be renewed, the submission of the learned Government Pleader that the stock would be taken back is recorded.