
(2023) 10 KL CK 0185
In the High Court Of Kerala
Case No : Writ Petition (C) No. 16289 Of 2015

Kunjan K

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 25-10-2023

Acts Referred:

Citation : (2023) 10 KL CK 0185

Hon'ble Judges : Amit Rawal, J

Bench : Single Bench

Advocate : A.K.Preetha, C.Anil Kumar, Justin Jacob

Final Decision : Disposed Of

Judgement

Amit Rawal, J

1. Ext.P6 notice calling the objections from the card holders, petitioner being one of them having depots with the name ARD No.17 and 18 is under challenge in the present writ petition.

2. On certain complaint, the licence for carrying on the ration depot on the allegation of holding of excess Kerosene oil was suspended, which was assailed. The licence was restored on certain conditions as per Ext.P1 dated 23.7.2012 and Ext.P2 dated 2.11.2011. In other words, the licence was restored but despite that petitioner was unable to carry on the business on the ground that the holders of the ration card in the locality were causing obstruction and the material which was to be received was being impeded. In this view of the matter, had approached this Court vide W.P.(C) No.17812 of 2014. This Court vide judgment dated 25.7.2014 passed the following order:

Petitioners' licences for conducting Ration shops were revoked by the 1st respondent. Thereafter, it were restored after complying the conditions which are produced sa Ext.PI dated 23.07.2012 and Ext P2 dated 2.11.2012, respectively. The complaint of the petitioners is that in spite of restoration of licences, no

action has been taken by the 1st respondent to implement the order.

2. The learned Government Pleader on instructions would submit that necessary steps were taken to restore the licences and also to provide with ration articles. However, due to protest from the local people, the officials attached to the 1st respondent could not implement the said order.

2. Having regard to the factual situation, I am of the view that petitioners are having the licences and the same are not challenged by any other person, necessarily they are entitled to conduct the ration shops based on the licences.

4. It is further submitted by the learned Government Pleader that steps have been initiated to have conciliation talks with the protesting local people for the smooth functioning of the ration shops of the petitioners.

I am of the view that if the conciliation talks are not materialized within a period of two weeks from the date of receipt of a copy of this judgment, respondents are bound to implement the order of restoration of licence with the aid of police. Therefore, there shall be a direction to the 2nd respondent to provide adequate police protection to the petitioners' ration shop as well as to the staff attached to the 1st respondent for the smooth functioning of ration shop based on the orders of restoration of licence passed by the 1st respondent on a request made by the petitioners or by the 1st respondent.

3. Simultaneously, certain depot holders purported to have submitted a complaint against the licences of ration depots which was disposed of by this Court vide judgment dated 8.1.2015 in W.P. (C) No.33551 of 2014, Ext.P5 and the following order was passed:

Heard the learned counsel for the petitioner and the learned Government Pleader.

The fact of the matter remains that though Exhibit P9 was issued way back in November, 2011, the situation continues that the said decision has been enforced till date. If that were so, no further action shall follow unless the District Collector takes an independent assessment of the entire situation and Issues an order as may be found necessary to govern the case of the retail outlet in question. Exhibit P10 is stated to be a representation made by the local ration card holders to the District Collector. Therefore, it is directed that Exhibit P10 shall be taken up and shall be considered by the 5th respondent, and, an order shall be issued, touching all aspects of the matter, as may be found relevant. Let this be done giving an opportunity of hearing to respondents 6 and 7 who are stated to be card holders and the petitioners who are the licensees of the ARDS. Such action shall come within a period of three months, without fail. Until then, the present situation will be continued to be maintained, unless the jurisdictional authorities find any fresh reason to pass orders, independent of the proceedings in hand. Writ petition ordered accordingly. leaving open all other issues.

4. The apprehension expressed in the present petition is that in lieu thereof, Ext.P6 has been issued calling for the objection and there is likelihood of that the

licence of the petitioner will be suspended.

5. Counter affidavit of the 3rd respondent reveals that Ext.P6 was not issued in lieu of the directions in Ext.P5 but independently and hearing was adjourned. The interim order passed by this Court was only for a period of three months and thereafter it was not extended.

6. I have heard the learned counsel for the parties and appraised the paper book and of the view that the apprehension expressed appears to be far fetched as the notices were not issued in lieu of the directions in Ext.P5 but independently as per the stand taken in the counter. The stay was only for a period of three weeks. The matter is pending since 2015. I do not find any justification in keeping the writ petition pending as no subsequent event or proceedings pursuant to the notice Ext.P6 have been brought to the notice of this Court.

In this view of the matter, writ petition is ordered to be closed.