
(2014) 01 KL CK 0072

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 862 of 2014

T.C. Manmadhan

APPELLANT

Vs

The State of Kerala

RESPONDENT

Date of Decision : 17-01-2014

Acts Referred:

Citation : (2014) FAJ 435

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : K. Shaj, Sajju S., Renjit George, Anju Mohan, R. Arun (Kayamkulam), S.K. Sujith Krishna and S. Shajahan (Adoor), Advocate for the Appellant; K.C. Vincent, Advocate for the Respondent

Judgement

P.R. Ramachandra Menon, J.—Grievance is almost similar in both the cases. The petitioners are aggrieved of the order dated 26.6.2013 (Ex. P2 in W.P.(C) 884 of 2014 and Ex. P3 in W.P.(C) 864 of 2014). The case of the petitioners is that the concerned S.I. of police does not have any power or authority to issue such order restricting the time of operation of the "Hotels/Restaurant/Bakery" being run by the concerned petitioners, restricting it to be closed by 11 p.m. it is pointed out that the petitioners have been issued licences, as borne by Ex. P1 issued under the Food Safety and Standards Act and also as borne by Ex. P4 produced along with I.A. 837 of 2014 (in W.P.(C) 862 of 2014), which is the licence issued by the concerned local authority. In the case of the petitioner in W.P.(C)884 of 2014, Ex. P1 licence was issued by the authority under the Food Safety and Standards Act and in both the cases, the licences are valid and effective as on date. Heard the learned Government Pleader as well. The materials produced would reveal that the petitioners are running the Hotel/Restaurant/Bakery in the concerned premises. The learned Counsel for the petitioners also asserts that the licenses have been issued to the petitioners by the concerned" Local authority to run the Hotel/Restaurant/Bakery in the particular building, which has been numbered by the local authority and that the petitioners would confine their activity to be within the sanctioned premises. It is also pointed out that the impugned notices

issued by the SI of Police are in respect of Thattukada" and that they are not applicable in the case of Hotel/Restaurants/Bakery, which are permanent establishments licenced by the concerned local authority.

2. The learned Government Pleader points out that the petitioners, who are pursuing the activities, sought to expand their operation to road side, which is not liable to be permitted or justified on the strength of licence already issued to them. The learned counsel for the petitioners asserts and undertakes that no such activity will be pursued by the petitioners and the area of operation will stand confined to be within the sanctioned premises. The above submission is recorded. Both the writ petitions are disposed of, enabling the petitioners to conduct the business of "Hotel/Restaurant/Bakery", as the case may be, untrammelled by the stipulation in Exs. P2/P3 notices in so far as they carry out the operation exclusively within the sanctioned premises. If any violation is noted, it is always open for the concerned respondent to take appropriate action against the petitioners in accordance with law, in so far as it is not in contravention of any provisions of law or orders passed by competent Court of law.