

(2012) 08 KL CK 0158

In the High Court Of Kerala

Case No : Writ Petition (C) .No. 17081 of 2012 (I)

Tessy Joseph and Sobhana Sathyan

APPELLANT

Vs

V.P. Sivanandan Licence, T.S. No. 11, Group No. 2
Irinjalakuda Range Poothoppu, Kottenellur.P.O. Thrissur -
680672 and Others

RESPONDENT

Date of Decision : 22-08-2012

Acts Referred:

Citation : (2012) 08 KL CK 0158

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

**Advocate : P.R. Reena, for the Appellant; Sunitha Vinod, Government Pleader
Advocate, for the Respondent**

Judgement

Justice Antony Dominic

1. According to the petitioners, the 1st respondent is an allottee of toddy shop No. 11 of Group No. 2 of Irinjalakuda Excise Range. Their grievance is that the 1st respondent has established his toddy shop in the property of one Bindu Sukumaran, which is adjacent to the property of the petitioners and that the said toddy shop is being conducted without obtaining any licence under the D&O Rules from the 5th respondent Panchayat. It is stated that the Panchayat itself passed Ext. P1 resolution requesting the Excise authorities to shift the shop. Petitioners also refer to Ext. P4 information obtained by them under the Right to Information Act on the respondent Panchayat confirming that the D&O licence has not been obtained by the 1st respondent. It is in the aforesaid circumstances, this writ petition is filed. Despite service of notice, there is no appearance or representation on behalf of the 1st respondent.

2. Standing counsel appearing for the 5th respondent Panchayat confirms that the Panchayat has not issued any D&O licence to the toddy shop of the 1st respondent.

3. If as stated by the Panchayat, the toddy shop in question has not been issued licence under the D&O Rules, its continued functioning could not have been permitted. According to the learned senior counsel for the petitioners, the Panchayat has already addressed to the 3rd respondent in this behalf. In such circumstances, I direct the 3rd respondent to take action against Toddy Shop No. 11 of Group No. 2, Irinjalakuda Excise Range established by the 1st respondent in the property of Bindu Sudhakaran for its unauthorised functioning. This shall be done as expeditiously as possible at any rate within 3 weeks of receipt of a copy of this judgment.

Writ petition is disposed of as above.