
Sam Jose Vs State Of Kerala

Writ Petition (C) No. 29716 Of 2023

Court: High Court Of Kerala

Date of Decision: Sept. 12, 2023

Acts Referred:

Kerala Abkari Shops Disposal Rules, 2002 – Rule 5(1)(a)

Citation: (2023) 09 KL CK 0096

Hon'ble Judges: Devan Ramachandran, J

Bench: Single Bench

Advocate: M.G.Karthikeyan, Nireesh Mathew, C.C.Thomas, Sunil K.Kuriakose

Final Decision: Allowed

Judgement

Devan Ramachandran, J

1. The learned Government Pleader Sri.Sunil Kumar Kuriakose, submitted that, pending this lis, the 2nd prayer of the petitioner has already been

acceded to and that an order has been issued, allowing him to compound the offence, as reflected in Ext.P2, based on Ext.P4 request.

2. Sri.C.C.Thomas – learned Senior Counsel, instructed by Sri.M.G.Karthikeyan – learned counsel for the petitioner, submitted that his client has

already compounded the offence in terms of the afore liberty; and that all which now requires is that Ext.P1 be quashed, so that his client can then

obtain a preferential right as per Rule 5(1)(a) of the Kerala Abkari Shops Disposal Rules, 2002. He submitted that this is necessary because his client

will otherwise be not in a position to bid in the process of fresh allotment of Toddy Shops in Group No.III of Mannarkkad Excise Range and pointed

out that his client has made this request in Ext.P4.

3. The learned Government Pleader – Sri.Sunil Kumar Kuriakose, in response, submitted that since the petitioner has already compounded the

offence, Ext.P1 has lost its relevance; and therefore, that he leaves it to this Court to issue appropriate orders.

In the afore circumstances, I allow this writ petition and quash Ext.P1; and consequentially direct the 4th respondent to immediately consider Ext.P4

request of the petitioner for preferential right, wherein, he has sought for the said benefit as per Rule 5(1)(a) of the
An order, in,

this, regard, shall, be, issued, before, the allotment of Toddy Shops in Group No.III of Mannarkkad Excise Range is completed.