

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE AMIT RAWAL

Monday, the 22nd day of August 2022 / 31st Sravana, 1944
WP(C) NO. 27020 OF 2022(B)

PETITIONER:

HOTEL PORT PALACE VENGANOR P.O, MUKKOLA, VIZHINJAM,
THIRUVANANTHAPURAM. REPRESENTED BY ITS DIRECTOR, SMT.SHAFEECCA, AGED
52 YEARS, W/O.MOHAMMED RAFI.

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY SECRETARY, TAXES (A) DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE EXCISE COMMISSIONER, COMMISSIONERATE OF EXCISE, EXCISE HEAD QUARTERS, NANDAVANAM, THIRUVANANTHAPURAM-695 033.
3. THE DEPUTY COMMISSIONER OF EXCISE, EXCISE DIVISION OFFICE, EAST FORT, THIRUVANANTHAPURAM-695 021.
4. THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE, 2ND FLOOR, CIVIL STATION BUILDING, CIVIL STATION ROAD, THIRUVANANTHAPURAM-695 043.
5. THE INSPECTOR GENERAL & COMMISSIONER OF POLICE THIRUVANANTHAPURAM CITY, PIN-695 001.
6. THE SUB INSPECTOR OF POLICE, VIZHINJAM, THIRUVANANTHAPURAM DISTRICT, PIN-695 521.
7. THE CIRCLE INSPECTOR OF EXCISE, EXCISE CIRCLE OFFICE, NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT, PIN-695 121.
8. STATE OF KERALA REP. BY CHIEF SECRETARY, GOVT. OF KERALA, GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695 001.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an order directing the respondents not to close down the bar hotel of the petitioner, Hotel Port Palace as ordered in Ext.P1 pending disposal of the above writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.NIREESH MATHEW, Advocate for the petitioner and of SRI.JIMMY GEORGE, STANDING COUNSEL for respondents, the court passed the following:

AMIT RAWAL, J.

W.P.(C) No.27020 of 2022

Dated this the 22nd day of August, 2022

ORDER

Aggrieved by the order Ext.P1 dated 20.8.2022 passed under Section 54 of the Abkari Act, 1977 whereby, owing to the indefinite strike conducted under the leadership of Archdiocese of Latin Catholics, Thiruvananthapuram against the construction of International Port at Vizhinjam, on the basis of the report of the Inspector ordered to the closure of liquor shops operating within the limits of Vizhinjam Police Station on 21.8.2022 and 22.8.2022. The petitioner is running a hotel under the name and style 'Hotel Port Palace' and having issued FL3 licence renewed and valid up to 31.3.2023. The genesis of the order is the report of the Inspector which has not been supplied to the petitioner. The protest is not of a violent stage, but it is continued since long. No attenuating circumstances have come imposing a ban of liquor shop on 21.8.2022 and 22.8.2022 particularly no untoward incident had taken place on 21.8.2022 which could impel the management to close the liquor shop, which was not of that propensity and intensity of ordering the closure of the liquor shops.

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Issue notice before admission. Mr.Jimmy George accepts notice for the respondents.

List the matter on 24.8.2022. Till then, the operation of Ext.P1 shall stand stayed.

Sd/-

AMIT RAWAL, JUDGE

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APPENDIX OF WP(C) 27020/2022

Exhibit P1

**PHOTOCOPY OF THE ORDER PASSED BY THE 4TH RESPONDENT
DATED 20.08.2022.**

