

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

WEDNESDAY, THE 13<sup>TH</sup> DAY OF MAY,2020/23RD VAISAKHA, 1942

W.P(C) NO. 9837 OF 2020

PETITIONER:

K.JAYAN, AGED 48 YEARS, S/O VELAYUDHAN,  
KUZHIKATTIL HOUSE, KODAKKAD.P.O.,  
MALAPPURAM DISTRICT-671310.

BY ADV.

RESPONDENTS:

1. THE DISTRICT COLLECTOR, CIVIL STATION ROAD, UPHILL,  
MALAPPURAM DISTRICT -676505.
2. THE EXCISE COMMISSIONER, COMMISSIONERATE OF EXCISE  
THIRUVANANTHAPURAM - 695 033.
2. THE DEPUTY COMMISSIONER OF EXCISE, EXCISE DIVISION  
OFFICE B2 BLOCK, CIVIL STATION, MALAPPURAM - 676505.
4. THE EXCISE CIRCLE INSPECTOR, EXCISE CIRCLE OFFICE,  
THIRURANGADI.P.O., PARAPPANGADI-676302.
5. PRASAD, S/O VIJAYAN, AKSHAYA HOUSE, ERNAD TALUK,  
MANJERI .P.O., MALAPPURAM DISTRICT-676121.

BY GOVERNMENT PLEADER SMT.B.VINITHA

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 13.05.2020,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**GOPINATH.P, J**

=====  
**WP(C) NO. 9837 OF 2020**  
=====

**DATED THIS THE 13<sup>th</sup> DAY OF May, 2020**

**ORDER**

Admit.

Government Pleader takes notice for respondents 1 to 4. Urgent notice by speed post to respondent No.5. Petitioner shall take steps to serve notice to respondent No. 5 through email and whatsapp message also. The learned counsel for the petitioner would urge that he was illegally excluded from the auction, despite, there being no ineligibility. However the learned Government Pleader submits that the auction has been finalised in favour of the 5<sup>th</sup> respondent, which has been subsequently confirmed. Considering the urgency pointed out by the learned counsel for the petitioner, let this matter be listed on 25.05.2020, by which time, the learned Government Pleader shall file a statement or a counter affidavit.

NSD

**GOPINATH.P  
JUDGE**

**APPENDIX**

**PETITIONERS EXTS:**

<b><u>EXHIBIT-P1</u></b> : TRUE COPY OF THE MINUTES OF THE MEETING DATED 09-03-2020.
<b><u>EXHIBIT-P2</u></b> : TRUE COPY OF THE LICENSE WITH RESPECT TO TODDY SHOP TS NO 5 AT ARIYALLOOR (LICENSE NO M-153/2019-2020).
<b><u>EXHIBIT-P3</u></b> : TRUE COPY OF THE LICENSE WITH RESPECT TO TODDY SHOP TS NO 1 AT VALLIKUNNU (LICENSE NO M-111/2015-2016).
<b><u>EXHIBIT-P4</u></b> : TRUE COPY OF THE DOCUMENTS FILED ALONG WITH THE APPLICATION FOR PARTICIPATING IN THE AUCTION.
<b><u>EXHIBIT-P5</u></b> : TRUE COPY OF THE COMMUNICATION DATED 17-03-2020 ISSUED BY THE 2 <sup>ND</sup> RESPONDENT.