

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR  
&  
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY  
Tuesday, the 13<sup>th</sup> day of July 2021 / 22nd Ashadha, 1943  
WP(C) NO. 13307 OF 2021(S)

**PETITIONER:**

ADV. K.VIJAYAN, AGED 66 YEARS S/O. KRISHNA PILLAI,  
RESIDING AT KRIPA, NADUVILAKARA P. O., MUKHATHALA,  
KOLLAM DISTRICT - 691 577.

**RESPONDENTS:**

- 1 STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY,  
GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE SECRETARY, TAXES DEPARTMENT (EXCISE), ROOM NO.373,  
1ST FLOOR, MAIN BLOCK, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 EXCISE COMMISSIONER, EXCISE COMMISSIONERATE, VIKAS BHAVAN P. O.,  
THIRUVANANTHAPURAM - 695 033.
- 4 MANAGING DIRECTOR, KERALA STATE BEVERAGES CORPORATION LTD.,  
KSBC HEAD OFFICE, BEVCO TOWER, PALAYAM, VIKAS BHAVAN P. O.,  
THIRUVANANTHAPURAM - 695 033.
- 5 STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD P. O.,  
THIRUVANANTHAPURAM - 695 014.
- 6 GENERAL SECRETARY, FEDERATION OF KERALA HOTELS ASSOCIATION,  
FKHA HOUSE, EVRA 371, EASWARAVILASOM ROAD, VAZHUTHACAUD P.O.,  
THIRUVANANTHAPURAM - 695 014.

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 direct the respondents 1 to 3 to see that the Bar hotels in Kerala start selling liquor forthwith at the same rate which is being sold in the state-run outlets, pending disposal of this writ petition, in the interest of justice.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 07/07/2021 and upon hearing the arguments of M/S.C.RAJENDRAN & B.K.GOPALAKRISHNAN, Advocates for the petitioner, SRI.T.NAVEEN, STANDING COUNSEL for R4 and of SRI.N.MANOJ KUMAR, STATE ATTORNEY, the court passed the following:

P.T.O.



**S.Manikumar, C.J.**

**&**

**Shaji P.Chaly, J.**

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**W.P.(C)Nos.13498 & 13307 of 2021-S**

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**Dated this the 13<sup>th</sup> day of July, 2021**

**ORDER**

**S.Manikumar, C.J.**

On this day, when the writ petitions came up for hearing, based on the affidavit filed by the Law Officer, Kerala State Beverages Corporation on behalf of the 3<sup>rd</sup> respondent, submission has been made that after the interim order dated 7.7.2021, the following directions have been issued on 8.7.2021:

- “(a) Increasing of the number of counters based on the increase in sale.
- (b) Deploying of more staffs by utilizing the staffs attached to the Shops which are closed being in C or D category.
- (c) Continuous announcements from the shops about the importance to follow social distancing norms and Covid appropriate behaviour.
- (d) Introduction of token system, based on requirements, to reduce the formation of long queues.
- (e) The shops not having necessary infrastructure or likely to cause inconvenience to customers and others need to be shifted to some suitable place. The concerned Rms and SICs shall immediately locate such places/buildings and send proposals for shifting them.”

**W.P.(C)Nos.13498 & 13307 of 2021-S**

**-:2:-**

2. Added further, Mr.T.Naveen, learned standing counsel for the Kerala State Beverages (M&M) Corporation Ltd. also submitted that inasmuch as the profit margin for sale of liquor in Bar Hotels has been reduced from 25% to 30%, the possibility of sale in the Bar Hotels will increase, thereby causing reduction of crowding in IMFL shops. For brevity, Exhibit R3(c) circular is reproduced:

**"CIRCULAR**

Sub: KSBC -Opening and operation of FL-01 shops-Covid safety precautions – Further instructions-reg.

Ref: Circulars issued on the above subject dated : 16.06.2021, 24.06.2021 & 06.07.2021

Please refer to the circulars referred above. It is noted that there has been unprecedented increase in the sales from the outlets compared to the previous years for the same period. Consequently, the number of customers approaching shops have also increased substantially. It is noticed that the shops particularly in city and border area are attracting large queues. There is an immediate need to ensure full compliance to covid safety precaution in these places and also to reduce the size of the queues. Therefore, in addition to the instructions already given, following further instructions are issued for strict compliance, with immediate effect.

1. In order to reduce the size of the queues, the number of counters in each shop have to be immediately increased and further the

**W.P.(C)Nos.13498 & 13307 of 2021-S****-:3:-**

minimum number of counters to be opened in a shop are shown below:

More than 10L & less than 20L	More than 20L & less than 35L	More than 35L & less than 50L	More than 50L
3	4	5	Not less than six and as per requirements

The shortage of staff at the shops can be made up by deploying staff from the other retail outlets which are closed being in C or D category or under containment zone. Further, staff of the district audit teams can also be drawn and utilized for opening new counters. The Managers will also have to overcome constraints of space through innovative measures of utilizing front/corridor space, hiring additional space if available etc.

2. Shops experiencing sales in excess of 30 Lakhs per day can also deploy an additional security guard and also redeploy the night duty security guard during day time.
3. Continuous announcements are to be made regarding need to follow social distancing norms and covid appropriate behaviour, from the shops
4. Wherever possible, token system can be introduced to reduce the people standing in the queue.
5. Requests may be also made to Police Department for helping in ensuring orderly queues & to avoid inconvenience to other nearby shops and passersby. The Warehouse Manager/SIC should personally co-ordinate with the jurisdictional Police Stations and District Police Chiefs and ensure orderliness in queues and adherence to covid norms by customers. However misbehaviour of any kind with

**W.P.(C)Nos.13498 & 13307 of 2021-S**

**-:4:-**

customers is to be avoided.

6. As already directed, circles may be marked for ensuring physical distancing in queues. Further with the help of police, temporary barricades by use of ropes etc can be erected to ensure orderliness in queues and prevent spilling over of the crowd so that other shops and passersby are not inconvenienced.

7. The District Audit Managers should monitor the compliance of the instructions.

8. Photographs and Videos of shops having sale of more than 30 lakhs per day are to be posted in the whatsapp group around 17.00 hrs which is normally the peak time.

9. The customers queueing in the shops are to be dealt with dignity as also others who are affected by the queues. Shops can arrange for essential conveniences like free water etc for waiting customers.

10. The shops not having necessary infrastructure or likely to cause inconvenience to customers and others need to be shifted to some suitable place and the connected Rms and SICs will immediately locate such places/buildings and send proposals for shifting them. The permission for shifting has already been given in a few cases, which should be acted upon at the earliest.

The crowding of people at shops should not become a reason for any adverse covid situation, or undermine the efforts of the Corporation/Government in controlling covid and ensuring sales with the safety precautions. I would expect all staff to rise up to the occasion and strive fully to meet the expectations from KSBC and ensure that the sale at shops is without compromising on the covid safety precautions."

**W.P.(C)Nos.13498 & 13307 of 2021-S**

**-:5:-**

3. Based on the affidavit filed on behalf of respondent No.2, Mr.N.Manoj Kumar, learned State Attorney submitted that as on today, there are 1242 outlets for the sale of Indian Made Foreign Liquor. Steps are also being taken for reduction of crowd in queues in IMFL shops.

4. In addition to the above, learned State Attorney submitted that to avoid overcrowding, two IMFL shops have been directed to be closed. Taking note of the photographs, average number of persons, as against the number of outlets, the number of Bar Hotels and in particular, the observations of the Hon'ble Mr.Justice Devan Ramachandran in W.P. (C)No.12881 of 2017 dated 5.7.2017, it is high time that the respondents to explore the possibilities of relocating the IMFL shops, where there is crowding. Relocation of IMFL shops alongside the main roads, to avoid inconvenience to the commuters and residents can be also be considered.

Post the matters for final hearing after ten days.

(H/o)

Sd/-

**S.Manikumar  
Chief Justice**

Sd/-

**Shaji P.Chaly  
Judge**

**vpv**