

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 8<sup>TH</sup> DAY OF JULY 2021 / 17TH ASHADHA, 1943

CONTEMPT CASE(CIVIL) NO. 982 OF 2021(S) IN WP(C) 12881/2017

PETITIONER/1ST PETITIONER

MY HINDUSTAN PAINTS, KURUPPAM ROAD, THRISSUR 1  
REPRESENTED BY ITS PROPRIETOR,  
LINS V BABU, AGED 43 YEARS,  
S/O V.C. BABU, RESIDING AT KURUPPAM ROAD, THRISSUR - 1

BY ADVOCATES M/S.

SANTHOSH MATHEW, ARUN THOMAS, JENNIS STEPHEN, VIJAY V. PAUL  
KARTHIKA MARIA, ANIL SEBASTIAN PULICKEL  
JAISY ELZA JOE, SANITA SABU VARGHESE

RESPONDENT/RESPONDENT NOS 2, 3, 5 AND 6 :

- 1 SHRI. S.AANANTHAKRISHNAN IPS, EXCISE COMMISSIONER,  
EXCISE COMMISSIONERATE, VIKAS BHAVAN P.O.,  
NANDAVANAM, THIRUVANANTHAPURAM 695033.
- 2 SHRI. K.SHAJI, DEPUTY COMMISSIONER OF EXCISE,  
OFFICE OF THE DEPUTY EXCISE COMMISSIONER,  
STATE EXCISE ACADEMY AND RESEARCH CENTRE,  
ARANATTUKARA,, VANCHIKULAM, POOTHOLE, THRISSUR 680004.
- 3 SHRI. SPARJANKUMAR IPS, MANAGING DIRECTOR,  
KERALA STATE BEVERAGES(M&M) CORPORATION Ltd.,  
DISTRICT WAREHOUSE, THIRUVANANTHAPURAM 695033
- 4 SHRI. ANSHAD S, SUB INSPECTOR OF POLICE,  
THRISSUR TOWN POLICE STATION, THRISSUR, PIN 680020

SRI. S. KANNAN, LEARNED SENIOR GOVERNMENT PLEADER FOR R1, R2 AND R4  
SRI. T. NAVEEN, STANDING COUNSEL FOR R3.

This CONTEMPT OF COURT CASE (CIVIL) having come up for orders on  
08.07.2021, the court on the same day passed the following:

P.T.O.

**DEVAN RAMACHANDRAN, J.**

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**COC No.982/2021**  
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Dated this the 8<sup>th</sup> day of July, 2021

**O R D E R**

This is the second Contempt of Court Case that has been forced to be filed by the petitioner before this Court.

2. In the judgment involved in this case, I had, in paragraph 6 thereof, recorded the primary reason why uncontrolled and sinuous queues are formed in front of the liquor shops, in the following lines:

6. The singular reason why such long queues are formed and why such queues spill over on to public roads and streets is because the KSEB does not retail liquor through shops into which customers can walk into and wait, if required, but through counters which are created by barricading and grilling the entrance area of the licensed shops, effectively forcing the customers to stand outside even on roads and streets on which such shops are situated, thus causing long queues and resultant pandemonium in public space including streets. These queues often cause traffic snarls, brawls and several times unrestrained disorder in public roads and streets, as has been demonstrated by the petitioners in this case.

3. It is rather distressing that the factual situation at the ground level has not been altered at all; and on the contrary, it has become far more perilous.

4. At the time when I delivered the judgment, Covid-19 pandemic was not even in our contemplation or wildest imagination. The surge of the pandemic has now made the equation far more complicated.

5. As per the directions of this Court, Sri.S.Ananthakrishnan IPS - Excise Commissioner; Sri.K.Shaji - Deputy Commissioner of Excise; Sri.Yogesh Gupa IPS - the Managing Director of the Kerala State Beverages (M&M) Corporation Ltd (BEVCO) and Sri.Anshad S. - Sub Inspector of Police, Trissur Police Station, are present through video-conferencing.

6. I must upfront record that, through the proceedings we are now concerned with, the endeavour of this Court is not to merely find

fault, but to ensure that the agonising predicament which this State has been confronted with for the last several years be resolved in the most effective manner.

7. When customers line up in front of the liquor shops and spill over to the public places and roads, it certainly is an affront on the collective dignity of the society as a whole. That said, *Quoad hoc* the customer is put to great amount of humiliation, which he is forced to endure because sale of liquor is virtually a monopoly at the hands of the 'BEVCO'. Needless to say, therefore, it becomes the absolute duty of the 1<sup>st</sup> and 3<sup>rd</sup> respondents to make sure that sufficient facilities are given to their customers, so that they can make their choice of purchase of liquor in a civilised manner like any other commodity and then leave the counters without their self-respect being compromised.

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8. However, what we now see, which is not confined to the factual scenario of this case alone, is that every counter of the 'BEVCO' or at least most of them, have these sinuous queues of people, waiting for hours to obtain their quota of beverage. The surge of Covid-19, as I have already said above, has added a new dimension to the ominous problem. This is because, as is now commonly known, the pandemic spreads primarily through droplet transmissions and it is internationally accepted that unless we maintain a distance of at least 1 metre from each other, it could be the cause of a further surge. It is now said that we are going through the second wave of the pandemic and if this situation is allowed to continue, in the manner it is presently tolerated, the third wave may not far away.

9. I do not propose to speak much on this angle at this time because I am aware that a

learned Division Bench of this Court is already considering the impact of these queues on the Covid-19 pandemic scenario, based on a suo motu action initiated.

10. Sri.T.Naveen - learned counsel appearing for the 'BEVCO', attempted to tell me that even though every measure has been taken by his client to ensure that crowding is avoided, they are virtually helpless because of the large and uncontrolled demand. I must say that this does not appeal to me at all because this Court is not here to consider the helplessness of the 'BEVCO' or any other Authority, but to protect the health, dignity and lives of the citizens. If the 'BEVCO' has such problems, it was up to them, in the last four years after the judgment had been delivered, to have planned ahead and to have made sure that necessary infrastructure was in place to cater to the large demand. It cannot

be lost sight of that respondents are certainly expected to be aware of the spiralling demand which has been now enhanced on account of various other contributory factors.

11. Ineluctably, therefore, larger number of counters, with greater infrastructural facilities and logistical support, would be required and the 'BEVCO' ought to have considered this in the last four years. This is more so because, after the first lock-down we faced, the 'BEVCO' was certainly aware of the pressure of demand that was on its outlets and I fail to understand why they did not do anything even then; but cannot be countenanced any further when we are facing the cataclysmic prospect of a possible third wave and consequent lock-down, which, as anyone would agree, we must all collectively endeavour to avoid.

12. I am, therefore, of the firm view that

respondents must now respond to my observations above and to the various allegations in this COC, through an appropriate affidavit to be sworn to by them, within a period of 10 days.

13. As regards the specifics of allegations contained in this COC, Sri.Vijay Paul, representing Sri.Santhosh Mathew - learned counsel for the petitioner, submitted that after this Court took cognizance, Police vehicles and Police personnel have been stationed in the vicinity of their client's shop and that not only customers to the 'BEVCO', but their own have been obstructed. I must say that this is not the manner in which I expect the respondents to respond to the issue and can only see this as being pavalonian in approach.

14. Incontestably it is the duty of the respondents, particularly respondents 1 and 3, to ensure - even if the outlet is allowed to



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operate in the place where it is presently situated - that sale of liquor happens without causing nuisance to anyone else, including the petitioner herein. It is without need to expatiate that the petitioner's customers will not be put to prejudice nor they be obstructed, as has been alleged before this Court.

I, therefore, adjourn this matter to be called on 16.07.2021.

On the next posting date, respondents 1 and 3 will also remain present through video-conferencing, so that I can interact with them, if necessary, based on their affidavits.

H/o

Sd/-

**DEVAN RAMACHANDRAN,  
JUDGE**

RR/08.07.2021