

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR. JUSTICE SHAJI .P.CHALY

THURSDAY, THE 2ND DAY OF APRIL, 2020/13TH CHAITHRA, 1942

W.P.C. TMP-6/2020

PETITIONER:

T. N. Prathapan M P, aged 58 yrs, S/o. Late Narayanan,
Thottungal House, Talikulam Post, Pin 680569, Thrissur District, Kerala,
A Member of Parliament, Representing Thrissur Parliament Constituency.

By Adv. Sri. REKESH SHARMA

RESPONDENTS:

1. The State of Kerala, Represented by the Chief Secretary to Government of Kerala, Secretariat, Thiruvananthapuram-695001
2. The Secretary to Government of Kerala, Department of Taxes, Secretariat, Thiruvananthapuram-695001
3. The Secretary to Government of Kerala, Department of Excise, Secretariat, Thiruvananthapuram-695001
4. The Commissioner of Excise, Commissionerate of Excise, Thiruvananthapuram-695001
5. The Kerala State Beverages Corporation, Represented by its MD, BEVCO Tower, Vikas Bhawan P O, Thiruvananthapuram.
6. Vimukthi Mission, Represented by its CEO, Department of Excise, Secretariat, Thiruvananthapuram-695001.
7. The Director of Health Services, Health, Social Justice, Women and Child Development, 6th floor, Annexe II, Secretariat, Thiruvananthapuram.
8. Indian Medical Association, Kerala State Branch, represented by its State President, IMA Kerala Headquarters, Anayara P.O, Thiruvananthapuram-695029
9. Kerala Govt Medical officers Association, represented by its State President, KGMOA Headquarters, Redcross Road, Thiruvananthapuram-695035.

This Writ Petition (Civil) coming up for orders on 02/04/2020 along with W.P.C. TMP No.7 and 8 of 2020, and upon hearing the arguments of Sri. Rekesh Sharma for the petitioner and Shri K. V. Sohan, State Attorney, Shri Naveen for BEVCO, Shri P. Sreekumar for KGMOA, Shri Jaishanker V.Nair, CGC, the court passed the following:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR. JUSTICE SHAJI .P.CHALY

THURSDAY, THE 2ND DAY OF APRIL, 2020/13TH CHAITHRA, 1942

W.P.C. TMP-7/2020

PETITIONER:

General Secretary, Kerala Government Medical Officers' Association,
KGMOA, Reg No 63/1966, Head Quarters, Red Cross Road,
Thiruvananthapuram.695035

By Adv. Sri. P. SREEKUMAR

RESPONDENTS

1. State of Kerala represented by its Chief Secretary,
Government Secretariat, Thiruvananthapuram. 695001
2. The Secretary, Taxes Department, Government Secretariat,
Thiruvananthapuram. 695001
3. The Secretary, Health and Social Welfare Department
Government Secretariat, Thiruvananthapuram. 695001
4. The Director of Health Services, Directorate Of Health Services,
Thiruvananthapuram.695035
5. Excise Commissioner, Excise Commissionerate, VikasBhavan,
Nanthavanam P O, Thiruvananthapuram, 695033
6. Board of Governors in Supersession of The Medical Council of India
Represented by its Secretary General, Pocket 14, Sector 8,
Dwaraka Phase I, New Delhi-110077

This Writ Petition (Civil) coming up for orders on 02/04/2020 along with W.P.C. TMP No.6 and 8 of 2020, and upon hearing the arguments of Sri. P. SREEKUMAR for the petitioner and Shri K. V. Sohan, State Attorney, Shri Jaishanker V.Nair, CGC, the court passed the following:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR. JUSTICE SHAJI .P.CHALY

THURSDAY, THE 2ND DAY OF APRIL, 2020/13TH CHAITHRA, 1942

W.P.C. TMP-8/2020

PETITIONER:

Jossey Mathew, aged 42 years, S/o A.L. Mathew,
AnakadHouse, Apollo Road, Thammanam P.O, Ernakulam, Kochi-682032.

By Adv. Sri.SAM ISSAC POTHYIL

RESPONDENTS:

- 1) State of Kerala, Represented by the Chief Secretary,
Government Secretariat,Thiruvananthapuram-695001.
- 2) State of Kerala, Represented by the Secretary to
Government,ExciseDepartment, GovernmentSecretariat,
Thiruvananthapuram-695001.
- 3) State of Kerala, Represented by the Secretary to Government,
Department of Tax, Government Secretariat, Thiruvananthapuram-695001.

This Writ Petition (Civil) coming up for orders on 02/04/2020 along with W.P.C. TMP No.6 and 7 of 2020 and upon hearing the arguments of Sri. Sam Issac Pothiyil for the petitioner and Shri K. V. Sohan, State Attorney, for the respondents, the court passed the following:-

A.K. JAYASANKARAN NAMBIAR & SHAJI P. CHALY, JJ.

W.P(C) TMP- 6, 7 and 8 of 2020

Dated this the 2nd day of April, 2020

ORDER

A.K.Jayasankaran Nambiar, J.

In all these three matters, the learned State Attorney, Shri K.V.Sohan takes notice for the State. The learned Standing Counsel Shri Naveen takes notice for the Kerala State Beverages Corporation. The learned counsel Shri P.Sreekumar, takes notice for KGMOA in W.P(C) TMP-No. 6/2020.

As all these writ petitions involve a common issue challenging the legality of the government order, G.O.(MS).NO.266/2020/Dept.Taxes, dated 30/3/2020, and the proceedings dated 31/3/2020 of the Kerala State Beverages Corporation, after hearing the learned counsel for the petitioners in these matters and also hearing the learned State Attorney, Shri K.V.Sohan for some time, we deem it appropriate to pass a common order in all these writ petitions.

After hearing the rival submissions, we are prima facie inclined to stay the operation and further proceedings pursuant to the aforesaid government order and the proceedings of the Kerala State Beverages Corporation for a period of three weeks.

Post all these writ petitions on 28.4.2020.

A.K.JAYASANKARAN NAMBIAR, JUDGE

SHAJI P. CHALY, JUDGE