

ITEM NO.37

COURT NO.12

SECTION XIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil) Nos.26241-26243/2012

(From the judgement and order dated 27/07/2012 in WA No.470/2012, WA No.670/2012 & WA No.745/2012 of the HIGH COURT OF KERALA AT ERNAKULAM)

STATE OF KERALA & ORS.

Petitioner(s)

VERSUS

B.SURENDRA DAS ETC.

Respondent(s)

(With appln(s) for exemption from filing O.T., intervention and with prayer for interim relief and office report)

WITH

SLP(C) Nos. 27163-27182/2012

(With appln(s) for exemption from filing O.T. and with prayer for interim relief and office report)

Date:19/09/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. R.F. Nariman,SG  
Mr. P.V. Iype,AAG  
Mr. George Meham,Adv.  
Mr. Ramesh Babu M.R.,Adv.

For Respondent(s) Mr. Harish Salve,Sr.Adv.  
Mr. Romy Chacko,Adv.  
Mr. Varun Mudgal,Adv.  
  
Mr. Shyam Divan,Sr.Adv.  
Mr. K.B. Pradeep,Adv.  
Mr. Sanand Ramakrishnan,Adv.  
Mr. Rajeev Mishra,Adv.

Mr. L. Nageswara Rao,Sr.Adv.  
Mr. C.C. Thomas,Sr.Adv.  
Mr. Roy Abraham,Adv.  
Mrs. Reena Roy,Adv.  
Mrs. Seema Jain,Adv.  
for Mr. Himinder Lal,Adv.

Mr. Chander Uday Singh,Sr.Adv.  
Mr. Joe Joseph,Adv.  
Mr. Romy Chacko,Adv.  
Mr. Varun Mudgal,Adv.

Mr. George Poonthottam,Adv.  
Mr. Dileep Pillai,Adv,  
Mr. Ajay K. Jain,Adv.  
Mrs. Neelam Saini,Adv.  
For Mr. M.P. Vinod,Adv.

Mr. Venkita Subramoniam T.R.,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard the learned counsel for the parties.  
Issue notice.

Mr. Nariman, learned Solicitor General submits that it would be necessary to clarify the directions issued by the High Court in the final paragraph of the impugned Judgment dated 27th July, 2012, wherein the respondents have been directed to consider and grant FL-3 licence to all eligible Hotels with 3-Star and above and Heritage classification based on the unamended Rules. Apparently these directions are being construed as a mandate to the State, not only to consider the applications filed by the various hotel owners but also to grant the licence to them. In our opinion, such an interpretation cannot be placed upon the directions issued by the High Court. The High Court has clearly indicated that the respondents would be duty bound to consider the applications filed by the hotel owners in accordance with law. Thereafter, in case the applicant is found to be eligible and qualify for grant of licence in accordance with law, the same shall be granted.

In view of the aforesaid clarification, it is stated by the learned counsel for the State that the applications shall be considered within eight weeks and thereafter the applicants who are found to be successful, will be duly granted licences in accordance with law. In view of the above, we see no reason to permit the contempt proceedings to continue any more and accordingly the same are hereby stayed.

(A.S. BISHT)  
COURT MASTER

(INDU BALA KAPUR)  
COURT MASTER