

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP(C).No. 997 of 2015 (O)

(OS 243/2009 of SUB COURT, PATHANAMTHITTA)

PETITIONER/PLAINTIFF:

J.ANANDAN, S/O. JANARDHANAN, AGED 50 YEARS,
KATTUMADATHIL HOUSE, PALLICKAL NADUVILE MURI,
BHARANIKKAVU VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.K.V.SADANANDA PRABHU
SRI.C.S.AJITH PRAKASH

RESPONDENTS/DEFENDANTS:

1. S.SUJATHAN, AGED 59 YEARS, S/O. LATE SUKUMARAN,
RESIDING AT KOTTAPPURATHU HOUSE, KOTTARKAVU MURI,
MAVELIKKARA VILLAGE, MAVELIKKARA TALUK.
2. ATLAS MINES AND GRANITES INDIA LITD, MAVELIKKARA,
A COMPANY REGISTERED AND INCORPORATED UNDER INDIAN
COMPANIES ACT HAVING ITS REGISTERED OFFICE AT
MAVELIKKARA REPRESENTED BY ITS DIRECTOR S. SUJATHAN,
AGED 59 YRS, S/O. SUKUMARAN, RESIDING AT
KOTTAPPURATHU HOUSE, KOTTARKAVU MURI,
MAVELIKKARA VILLAGE, MAVELIKKARA TALUK.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 997/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF LETTER DTD.21.10.2010 ISSUED BY MINING
AND GEOLOGY DEPARTMENT.
- EXT. P2 : COPY OF PERMIT ISSUED BY MINING AND GEOLOGY
DEPARTMENT.
- EXT. P3 : COPY OF CHALLAN REMITTING THE ROYALTY IN RESPECT
OF EXT.P2.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.997 OF 2015

Dated this the 7th day of April, 2015.

J U D G M E N T

The petitioner instituted O.S.No.243/2009 before the sub Court, Pathanamthitta which was tried with another suit, O.S.No.170/2013. By judgment dated 19.03.2015, O.S.No.243/2009 was dismissed and O.S.No.170/2013 was decreed.

2. O.S.No.243/2009 was filed by the petitioner herein for setting aside four sale deeds. The petitioner claims to have a quarrying lease with the Government of Kerala under Exts.B1 and B2 in respect of certain properties comprised in various survey numbers. The petitioner would claim that there is no dispute that quarrying was done by the plaintiff in the suit and granite stone was extracted from the plaint schedule property.

3. The apprehension of the petitioner is that now his claim over the plaint schedule property stands negatived and taking advantage of the situation, there may be steps to remove the

granite stones which belong to the petitioner. It is pointed out that the petitioner applied for judgment and decree in the suits so as to take further proceedings in the matter and if in the meanwhile the defendants remove the granite stones, the petitioner will be put to irreparable loss and injury. The petitioner therefore prays for a direction to issue certified copies of the judgment and decree in the suits disposed of by the court below and till certified copies are issued defendants may be restrained from removing the granite stones.

4. After having heard the learned counsel for the petitioner, it is felt that notice to the respondents is unnecessary.

This original petition is disposed of directing the Sub Court, Pathanamthitta to issue certified copies of the judgment and decree in O.S.No.243/2009 and O.S.No.170/2013 as expeditiously as possible, at any rate, within a period of two weeks from today and in the meanwhile, respondents are restrained from removing the granite stones.

Sd/-

P.BHAVADASAN
JUDGE

smp