

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937**

**OP(Crl.).No. 226 of 2015 (Q)**  
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**B2 NO.2737 OF 2015 OF SUB DIVISIONAL MAGISTRATE COURT, THRISSUR**  
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**ORIGINAL PETITIONER(S) :**  
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**SHIVAN, AGED 52 YEARS,  
S/O.SHANKARAN, PANIKAPARAMBIL HOUSE, THRIKKUR VILLAGE,  
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.K.M.SREEJITH  
SRI.VINAY RAMDAS  
SRI.VISHNUPRASAD NAIR**

**RESPONDENT(S) :**  
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- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA.**
- 2. THATTIL GRANITES, REPRESENTED BY M.J.JOSE  
ITS MANAGING PARTNER, S.M.S ROAD, THRIKKUR VILLAGE,  
MUKUNDAPURAM TALUK, TRICHUR DISTRICT- 680 314.**
- 3. DEEPTHI GRANITE METALS,  
REPRESENTED BY ITS P.O.JOSE, ITS MANAGING PATNER,  
S.M.S ROAD, THRIKKUR VILLAGE, MUKUNDAPURAM THALUK,  
TRICHUR DISTRICT- 680 314.**

**R1 BY GOVERNMENT PLEADER SRI.R.GITHESH**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 12-08-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

**OP(Crl.).No. 226 of 2015 (Q)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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**EXHIBIT P1: A COPY MEMORANDUM MADE BY LOCAL PEOPLE AGAINST  
THE ACTIONS OF THE RESPONDENT TO THE PANCHAYAT  
SECRETARY.**

**EXHIBIT P2: A COPY PETITION FILED BY THE SUB DIVISIONAL MAGISTRATE  
ON 22/10/2014.**

**RESPONDENT(S)' EXHIBITS :**  
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

ALEXANDER THOMAS, J.

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O.P(Cr1).No.226 Of 2015  
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Dated this the 12<sup>th</sup> day of August, 2015.

J U D G M E N T

The prayers in this Original Petition are as follows:

“I. To issue a direction to the Sub Divisional Magistrates Court, Thrissur to exercise jurisdiction conferred upon himself and to consider Exhibit P2 application numbered as B2 No 2737 of 2015 forthwith and conduct the enquiry on a day to day basis and in any nor more than 7 days;

II. To render such other orders as are deemed fit and proper in circumstance of the case;

III. To award costs to the petitioner.”

2. As requested by this Court, the learned Public Prosecutor has furnished instructions from the Revenue Divisional Officer, who has now instructed him to submit that the matter in question was enquired into and the Tahsildar was directed to submit a detailed report, who submitted a detailed report dated 31.7.2015 stating that the petitioner's residence is situated about 100 meters away from the quarry and the quarry is functioning with all relevant documents obtained from concerned Departments and time schedule of the explosion as exhibited in the boards placed in the premises, explosives of very high intensity are not being used in the quarry. It is also

O.P(Crl).No.226 Of 2015

reported that there is no imminent danger to the life and property of the nearby residents and that there is no scope for taking action in accordance with Sec.133 Cr.P.C on the petition. The learned Public Prosecutor further assures that formal proceedings in this regard will be communicated by the SDM/RDO, Thrissur, to the petitioner by registered speed post within ten days. Accordingly, the learned counsel for the petitioner submits that he may be given liberty to challenge the decision of the SDM said to have been taken on 31.7.2015. In view of the submission, it is ordered that SDM/RDO shall formally communicate the decision or the proceedings on the aforesaid petition to the petitioner within ten days from the date of receipt of a copy of this judgment, by communicating the same by registered speed post. Thereafter, the petitioner will be at liberty to challenge the said decision in the manner known to law.

With these observations and directions, this Original Petition stands finally disposed of.

ALEXANDER THOMAS,  
Judge.

bkn/-