

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 127 of 2015 (M)

PETITIONERS :

1. SOORAJ, AGED 45 YEARS, S/O.J.DEVAN,
KARUVAPPETTIPURA, MALAMPUZHA VILLAGE,
PALAKKAD DISTRICT, KOTTEKKADU P.O., PIN-678 732.
2. PAULOSE, AGED 51 YEARS, S/O.DEVASSY,
KAROORKKARAN HOUSE, NANTHIPULAM P.O.,
TRICHUR DISTRICT-680 312.
3. JOJU, AGED 40 YEARS, S/O.ACHANDI JOSE,
NANTHIPULAM P.O., CHALAKKUDY,
TRICHUR DISTRICT-680 312.

**BY ADVS.SRI.NOBLE MATHEW
SRI.JESTIN MATHEW**

RESPONDENTS :

1. THE GEOLOGIST
MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, THRISSUR-680 001.
2. THE VILLAGE OFFICER,
AMBALLUR VILLAGE, THRISSUR DISTRICT.
3. THE SECRETARY
ALAGAPPAN NAGAR GRAMA PANCHAYATH
ALAGAPPA NAGAR THRISSUR DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
VARANGTHRAPALLY POLICE STATIN, VARANGTHRAPALLY,
THRISSUR DISTRICT-680 303.
5. THE DISTRICT COLLECTOR, THRISSUR
6. T.N.MUKUNDAN, AGED 55 YEARS,
THARATHIL HOUSE, VELUPPADAM P.O.,
THRISSUR DISTRICT-680 03.

R1 TO R5 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE RESPONDENT NO.3 FOR THE CONSTRUCTION OF BUILDING HAVING 403 SQ.METER.

EXT.P2: TRUE COPY OF THE SITE PLAN AND THE PLAN APPROVED BY THE RESPONDENT NO.3.

EXT.P3: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 2ND RESPONDENT ON 28/11/2014 EVIDENCING FILING OF THE APPLICATION.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.127 OF 2015
.....

Dated this the 6th January, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

"i) to call for the records in the case

ii) issue a writ in the nature of mandamus or any other writ, order or direction commanding respondent Nos.1,2 and 4 to allow the petitioner to remove red earth from their land at the earliest;

iii) issue a writ in the nature of prohibition or any other writ, order or direction commanding respondent Nos.1,2 and 4 not to obstruct the petitioners while they are proceeding with their works for the construction of their dream home.

iv) issue such other writ, order or direction that are deemed fit in the facts and circumstances of the case."

2. When the matter is taken up for consideration, the learned Counsel for the petitioners submits that the grievance of the petitioners has already been projected by filing an application before the first respondent/Geologist , which is still to be acted upon. The only prayer raised before this Court is for

issuance of a direction to the first respondent to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief pressed before this Court, it is not necessary to adjudicate the issue on merits. Accordingly, the writ petition is disposed of directing the first respondent/Geologist to consider the application preferred by the petitioners, at the earliest, at any rate, within three weeks from the date of receipt of a copy of the judgment, after affording an opportunity of hearing to the petitioners or their representative. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the first respondent/Geologist for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k