

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 944 of 2015 (P)

PETITIONER(S):

1. HAMEED M.M., AGED 53 YEARS,
S/O. KUNJUMHAMMED,
MAROTTIKKAL HOUSE, EDATHALA P.O.,
ERNAKULAM DISTRICT - 683 561.
2. T.A. KAREEM, S/O. IBRAHIM,
THANATH HOUSE, EDATHALA P.O.,
ERNAKULAM DISTRICT - 683 561.
3. YOUSUF, S/O. AMMU,
PULICKAN HOUSE, EDATHALA P.O.,
ERNAKULAM DISTRICT - 683 561.
4. K.M. IBRAHIM, S/O. MUSTHAF, A,
KURUDIYIL HOUSE, EDATHALA P.O.,
ERNAKULAM DISTRICT - 683 561.
5. JOHN, S/O. GEORGE,
PUTTKALIL HOUSE, EDATHALA P.O.,
ERNAKULAM DISTRICT - 683 561.

**BY ADVS.SMT.ANN EMIL JOSEPH
SRI.BOSE K.THACHIL**

RESPONDENT(S):

1. THE SECRETARY,
KIZHAKKAMBALAM GRAMA PANCHAYATH,
KIZHAKKAMBALAM P.O.,
ERNAKULAM DISTRICT - 683562.
2. M.K. MUHAMMEDALI, S/O. KOCHUPILLA,
MAROTTIKKAL HOUSE, AMBUNAD,
EDATHALA P.O. - 683 561.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE STOP MEMO ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT DATED 29.01.2014**
- EXHIBIT P1A : TRUE ENGLISH TRANSLATION OF THE STOP MEMO ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT DATED 29.01.2014**
- EXHIBIT P2 : TRUE COPY OF THE ORDER OF THE HONOURABLE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM IN APPEAL NO.134/2014 DATED 25.04.2014**
- EXHIBIT P3 : TRUE COPY OF THE INFORMATION FURNISHED BY THE 1ST RESPONDENT DATED 12.12.2014 TO THE 4TH PETITIONER**
- EXHIBIT P3A : TRUE ENGLISH TRANSLATION OF THE INFORMATION FURNISHED BY THE 1ST RESPONDENT DATED 12.12.2014 TO THE 4TH PETITIONER**
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 29.12.2014**
- EXHIBIT P4A : TRUE ENGLISH TRANSLATION OF THE REPRESENTATION MADE BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 29.12.2014**
- EXHIBIT P5 : TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT SHOWING RECEIPT OF THE REPRESENTATION OF THE PETITIONERS DATED 29.12.2014.**

RESPONDENTS EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. SURENDRA MOHAN, J.

W.P.(C) No. 944 of 2015

Dated this the 12th day of January, 2015

J U D G M E N T

The petitioners, owners of properties, within the Kizhakkambalam Grama Panchayath, complain of a proposal by the 2nd respondent to set up an M.Sand unit in his property. The petitioners apprehend that, there would be nuisance from the functioning of the Unit. They have submitted Ext.P4 objections to the 1st respondent against issue of any license to the proposed unit of the 2nd respondent. The petitioners apprehend that, a license would be granted, without considering their objections. They therefore seek the issuance of appropriate directions for the consideration of Ext.P4.

2. In view of the limited relief sought, I do not consider it necessary to issue notice to the respondents. It shall be sufficient that this Writ Petition is disposed of

directing the 1st respondent to consider the objections of the petitioners set out in Ext.P4 before a license is issued to the 2nd respondent.

3. This Writ Petition is therefore disposed of directing the 1st respondent to consider the objections submitted by the petitioners in Ext.P4 and after affording an opportunity of being heard to a representative of theirs as well as the 2nd respondent. Orders in the matter shall be issued, as expeditiously as possible and at any rate before a license is issued to the proposed unit of the 2nd respondent.

Sd/-
K.SURENDRA MOHAN,
JUDGE

jjj