

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 1397 of 2015 (Y)

PETITIONER(S):

- 1. SANTHOSH, AGED 52 YEARS,
S/O. SANKARAN, NARAMATH PARAMBA,
KURICHIKKARA P.O., THANNIKUDAM, THRISSUR.**
- 2. TIPPER EARTH MOVERS SAMITHY,
DISTRICT COMMITTEE, 38/979 P & T QUARTERS ROAD,
POOTHOL, THRISSUR, REPRESENTED BY ITS PRESIDENT
SANTHOSH.**

**BY ADVS.SRI.B.V.JOY SANKER,
SRI.PRAMJI PAUL VAZHAPPILLY.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR-680 001.**
- 3. THE DISTRICT EXPERT COMMITTEE,
THRISSUR, REPRESENTED BY ITS CONVENOR,
THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT,
IRRIGATION CENTRAL CIRCLE, CHEMBUKKAVU, THRISSUR-20.**

BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE 2ND PETITIONER DATED 25.11.2014 BEFORE THE
1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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Dated this the 15th January, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- "i) to issue a writ of mandamus or other writ order or direction directing the respondents to allow sand mining in accordance with the sand audit conducted by the 3rd respondent in Thrissur District*
- ii) to direct the 2nd respondent to consider Ext.P1 representation within a time limit this Hon'ble Court deem fit and proper in the circumstances of the case ;*
- iii) to issue such other writs, orders and direction as this Hon'ble Court may deem fit to grant;*
- iv) order cost in this proceedings."*

2. The learned Counsel for the petitioners submits that because of the adverse orders, proceedings and instructions issued by the concerned respondent, no sand mining activity is being pursued, by virtue of which, adverse circumstances have been resulted and the members of the second petitioner /

Samithy are taken to disastrous situation , who find it extremely difficult to win their bread. It is in the said circumstance that the second petitioner/Samithy has moved the second respondent/District Collector by filing Ext.P1. The learned Counsel for the petitioners submits that the grievance of the petitioners will stand redressed if a direction is given to the second respondent/District Collector to consider and pass appropriate order on Ext.P1 within a reasonable time.

3. Heard the learned Government Pleader as well.

4. This Court does not intend to express anything with regard to the merits of the case, in view of the limited extent of relief sought for and proposed to be given. Accordingly, the second respondent/District Collector is directed to consider and pass appropriate orders on Ext.P1, after affording an opportunity of hearing to an authorised representative of the second petitioner. This shall be done in accordance with law, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of the judgment. The petitioners shall produce a copy of the judgment along with a copy of the writ

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petition before the second respondent/District Collector for further steps.

**P.R.RAMACHANDRA MENON
JUDGE**

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