

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

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

WP(C).No. 2256 of 2014 (F)

PETITIONER:

**NOUSHAD,S/O.A.SUBAIR,THETTIKKATTIL HOUSE,
NETTAYAM P.O, VELINELLOR, KOLLAM DISTRICT, PIN 691 537**

**BY ADVS.SRI.SALIM V.S.
SRI.SHANAVAS.S
SRI.H.NUJUMUDEEN**

RESPONDENTS:

- 1. THE VILLAGE OFFICER
VILLAGE OFFICE, VELINELLOOR VILLAGE
KOLLAM DISTRICT, PIN 691510.**
- 2. TAHSILDAR
TALUK OFFICE, KOTTARAKKARA
KOLLAM DISTRICT, PIN 691 506.**
- 3. REVENUE DIVISIONAL OFFICER, KOLLAM CIVIL STATION
BUILDING, KOLLAM DISTRICT, PIN 691 013.**
- 4. DISTRICT COLLECTOR
CIVIL STATION, KOLLAM DISTRICT, PIN 601013.**

R BY GOVERNMENT PLEADER, SRI.P.K.ABDUL RAHIMAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 2256 of 2014 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE ORDER NUMBER B1-19935/2011 ISSUED
BY THE 2ND RESPONDENT.**

**EXHIBIT P2: COPY OF THE APPEAL MEMORANDUM ALONG WITH THE STAY
PETITION AND WITH THE PETITION TO CONDONE THE DELAY**

**EXHIBIT P3: TRUE COPY OF THE DEMAND NOTICE NUMBER D7-4766/13
DATED 26-09-2013 ISSUED BY THE 2ND RESPONDENT**

**EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 16-01-2014
SUBMITTED BEFORE THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS NIL

//TRUE COPY//

PA TO JUDGE

V.K.MOHANAN, J.

W.P.(C) No.2256 OF 2014

Dated this the 12th day of January, 2015

J U D G M E N T

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The grievance of the petitioner is that though he had preferred Ext.P2 appeal before the District Collector, Kollam against the order No.A3606/2011 dated 13.7.2011 of the Revenue Divisional Officer, Kollam, the same has not considered so far and therefore, praying, inter alia, to issue a writ of mandamus or any appropriate writ, order or direction commanding the 4<sup>th</sup> respondent to dispose of Ext.P2 appeal as well as the petitions filed along with the appeal after affording an opportunity of hearing within a reasonable time which will be disposed of, he preferred the above Writ Petition under Article 226 of the Constitution of India.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. According to the petitioner, the 3<sup>rd</sup> respondent issued an order dated 13.7.2011 under the Land Conservancy Act,

1957 directing the petitioner to pay an amount of Rs.14,20,491/- as royalty, and fine for illegally conducting mining by removing 76,513 metric tonne granite from the purampoke land and thereafter, the Additional Tahsildar, Kottarakkara issued a notice dated 18.7.2011 to the petitioner and certain other persons informing the order passed by the 3<sup>rd</sup> respondent RDO, directing the petitioner to remit an amount of Rs.14,20,491/-. Ext.P1 is the copy of the notice. The limited prayer in the petition is to issue a direction to the 4<sup>th</sup> respondent to dispose of Ext.P2 appeal preferred by the petitioner against Ext.P1.

4. At this juncture, it is relevant to note that the above Writ Petition was filed as early as on 21.1.2014 and this Court while admitting the above Writ Petition by order dated 28.3.2014 directed the respondents to file a counter affidavit and state whether Ext.P2 appeal is maintainable before the District Collector. However, so far no counter affidavit is filed.

5. In the above circumstances, this Writ Petition is disposed of directing the 4<sup>th</sup> respondent to take up Ext.P2, if the same is not already disposed of, and, if the same is in order, NS dispose of the same and the petitions filed along with Ext.P2, as

expeditiously as possible, after hearing the petitioner. The petitioner is directed to produce a copy of this judgment before the 4<sup>th</sup> respondent forthwith.

**Sd/-**

**V.K.MOHANAN, JUDGE.**

ps/13/1/2015

//True copy//

PA to Judge