

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No.3181 of 2015 (W)

PETITIONER:

**VINCENT P.T.,AGED 54 YEARS,S/O.THOMAS,
PORATHUR HOUSE,MUNDOOR P.O.,THRISSUR DISTRICT.**

**BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE.)
ADV.SMT.P.R.REENA**

RESPONDENTS:

- 1. SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT,THIRUVANANTHAPURAM,PIN 695 001.**
- 2. DISTRICT COLLECTOR,COLLECTORATE,
THRISSUR,PIN-680 003.**
- 3. TAHSILDAR,TALUK OFFICE,THRISSUR,PIN -680 003.**
- 4. VILLAGE OFFICER,VILLAGE OFFICE,THANGALLUR,
THRISSUR,PIN-680 581.**

***ADDITIONAL 5TH RESPONDENT IMPLEADED**

**ADDL.R5:LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM,PIN-695001.**

***ADDITIONAL 5TH RESPONDENT IMPLEADED AS PER ORDER
DATED 5.2.2015 IN IA NO.1738/2015 IN W.P(C) NO.3181/2015**

BY SENIOR GOVT. PLEADER SRI.MUHAMMED SHAFI.M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

**EXT P1:TRUE COPY OF THE PERMIT ISSUED BY THE DEPARTMENT OF MINING
AND GEOLOGY DATED 23.09.2014.**

**EXT P2:TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE
ADDITIONAL TAHSILDAR, TALUK OFFICE THRISSUR DATED 01.01.2013.**

**EXT P3:TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR
DATED 18.07.1993 RENEWING 1 CENT OF LAND FOR STORING
EXPLOSIVES.**

**EXT P4:TRUE COPY OF THE PROCEEDINGS OF TAHSILDAR THRISSUR
DATED 14.08.95.**

**EXT P5:TRUE COPY OF THE PROCEEDING OF THE TAHSILDAR THRISSUR
DATED 23.11.1996.**

**EXT P6:TRUE COPY OF PROCEEDINGS DATED 09.01.2003 OF THE TAHSILDAR,
THRISSUR.**

**EXT P7:TRUE COPY OF THE LETTER DATED 10.02.2006 OF TAHSILDAR
THRISSUR TO DISTRICT COLLECTOR.**

**EXT P8:TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR
DATED 09.08.2012.**

**EXT P9:TRUE COPY OF THE APPLICATION DATED 27.08.2012 FILED BY THE
PETITIONER BEFORE THE DISTRICT COLLECTOR.**

**EXT P10:TRUE COPY OF THE LETTER DATED 14.01.2015 OF DISTRICT
COLLECTOR.**

**EXT P11:TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE
1ST RESPONDENT DATED 18.01.2015.**

**EXT.P12:TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE
LAND REVENUE COMMISSIONER DATED 2.2.2015 ALONG WITH POSTAL
RECEIPT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 3181 of 2015

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Dated, this the 5th day of February, 2015

JUDGMENT

The petitioner was conducting a quarry on the strength of Ext. P1 permit and Ext. P2 no-objection certificate issued by the additional Tahasildar. It is stated that the petitioner is having all the other clearance and sanction from other corners as well. But No-objection Certificate issued as per Ext. P2 was cancelled vide Ext. P10 proceedings dated 14.01.2015 of the second respondent/District Collector. Being aggrieved of this, the petitioner approached the first respondent by filing Ext. P11 appeal, stated as preferred under Rule 21 of the Kerala Land Assignment Rules. In the course of further proceedings, realizing that the competent authority to consider appeal against Ext. P10 is the Commissioner of Land Revenue, the petitioner has filed I.A. No. 1738 of 2015, to cause necessary amendment to the cause title, also producing copy of the appeal preferred before the said authority as Ext. P12. The learned counsel for the petitioner submits that the grievance of the petitioner will stand redressed, if a

direction is given to the additional 5th respondent to consider and pass appropriate orders on Ext. P12 within a reasonable time.

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The Writ Petition is disposed of, directing the addl. 5th respondent to consider and pass appropriate orders on Ext. P12, in accordance with law, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with writ petition before the addl. 5th respondent for further steps.

sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd