

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 3259 of 2015 (F)

PETITIONER:

**MINNI PIUS, PUTHIYAPARAMBIL HOUSE,
NEDUMKUNNAM.P.O., CHANGANACHERRY,
KOTTAYAM, KERALA.**

**BY ADVS.SRI.SAIBY JOSE KIDANGOOR
SRI.BENNY ANTONY PAREL
SRI.P.M.MOHAMMED SALIH
SMT.KRISHNA RAJENDRAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM - 686 001.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM - 686 001.**
- 4. THE GEOLOGIST, DISTRICT OFFICER,
DEPARTMENT OF MINING & GEOLOGY,
COLLECTORATE P.O, KOTTAYAM - 686 082.**
- 5. THE VILLAGE OFFICER, NEDUMKUNNAM,
CHANGANACHERRY, KOTTAYAM - 686 101.**
- 6. THE TALUK SURVEYOR,
CHANGANACHERRY TALUK OFFICE,
CHANGANACHERRY - 686 101.**

BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE QUARRYING PERMIT 158/OE/QP/2013-2014/
1771/DOY/ML/2013 DATED 9.9.2013 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P2: TRUE CCOPY OF TH QUARRYING PERMIT 158/OE/QP/2013-2014/
175/DOY/ML/2014 DATED 12.2.2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P3: TRUE COPY OF THE SHOW CAUSE NOTICE NO. 175/DY/ML/2014
DATED 23.04.2014.
- EXHIBIT P4: TRUE COPY OF THE DEMAND NOTICE NO.175/1771 DY/ML/2014
DATED 21.06.2014
- EXHIBIT P5: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 4TH RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE DEMAND NOTICE COLLECTORATE FILE NO. 2014/
49961/5 TALUK (D5) FILE NO.2014 805/5/100 DATED 21.10.2014.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3259 of 2015

Dated this the 27th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) call for Exhibit-P3, P4 and P6 and quash the same by the issuance of a writ of certiorari or such other writ, order or direction.*
- (ii) Issue a writ of mandamus or such other writ, order or direction, directing the respondent not to proceed with any coercive steps for recovery of royalty and/or fine due from the petitioner as stated in Ext.P6.*
- (iii) issue a writ of mandamus or other appropriate writ or direction directing the respondents 4, 5 and 6 to measure the red earth allegedly removed from the property covered by Ext.P1 and Ext.P2 with notice to the petitioner.*
- (iv) grant such other and incidental reliefs as this Honourable Court may deem just and necessary on the facts and circumstances of this case.*
- (v) allow this writ petition (civil) with costs to the petitioner.”*

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the

writ petition can be disposed of, directing the 4th respondent to consider and pass appropriate orders on Ext.P5, in terms of the relevant provisions of law, after affording an opportunity of hearing to the petitioner. It shall be done, after conducting measurement of the property as well, through the Village Officer, with notice to the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of the judgment. The interim order of stay passed by this Court on 18.02.2015, will continue till then.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 4th respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.