

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No.5474 of 2015 (H)

PETITIONER:

**BABU THOMAS,SON OF THOMAS,AGED 42 YEARS,
RESIDING AT MADANNANIKUNNEL HOUSE,
KOOROPPADA VILLAGE,MADAPPALLY (PO),
KOTTAYAM TALUK,KOTTAYAM DISTRICT,PIN-686502.**

BY ADV.SRI.P.M.ZIRAJ

RESPONDENT'S:

- 1. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT,PIN-686501.**
- 2. THE VILLAGE OFFICER,KOOROPPADA VILLAGE,
KOTTAYAM DISTRICT,PIN-686501.**
- 3. THE DISTRICT COLLECTOR,
KOTTAYAM DISTRICT,PIN-686502.**

R1 TO R3 BY SENIOR GOVT. PLEADER SRI.K.C.VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.5474 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE SECRETARY,
KOOROPPADA GRAMA PANCHAYAT, KOTTAYAM DISTRICT
DATED 16.09.2014.**

**EXT.P2:TRUE COPY OF THE ORDER DATED 16.12.2014 ISSUED BY THE FIRST
RESPONDENT TO THE PETITIONER.**

**EXT.P3:TRUE COPY OF THE STOP THE MEMO ISSUED BY THE SECOND
RESPONDENT DATED 21.12.2014 TO THE PETITIONER.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5474 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “1. Issue a writ of certiorari or other appropriate writ, order or direction by calling for the records leading to the issuance of exhibit P3 stop memo and set aside the same as illegal.*
- 2. Declare that the second respondent village officer has no right or authority to issue exhibit P3 stop memo and sole authority in the subject matter is the first respondent district geologist.*
- 3. Issue such other writ, orders or directions, which this Honourable court may deem fit and proper in the interest of justice and circumstances of the case.”*

2. The learned counsel for the petitioner submits that, the petitioner has obtained Ext.P1 'Building Permit' and that necessary permit has been issued by the 1st respondent/Senior Geologist as borne by Ext.P2. It is without any regard to the actual facts and figures, that the petitioner has been served with Ext.P3 stop memo on 21.12.2014, which made the petitioner to approached this Court by filing the writ petition.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this Court finds that, a fact finding exercise has to be done by the 1st respondent/Senior Geologist to ascertain whether any activity has been pursued by the petitioner in contravention of the permit issued as per Ext.P2 or any excess excavation is there. In the said circumstance, the 1st respondent is required to conduct a spot inspection with notice to the petitioner and also to the 2nd respondent/Village Officer and ascertain whether any violation is done by the petitioner with reference to the relevant provisions of the KMMC Rules, and to pursue the matter accordingly. It shall be done, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment. Renewal of permit, if any, shall be subject to the orders to be passed by the 1st respondent as aforesaid.

The writ petition stands disposed of. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.