

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 5593 of 2015 (Y)

PETITIONER(S):

**ALEX P.CYRIAC, PERUMALIL HOUSE,
ARUNNOOTTIMANGALAM P.O.,
KADUTHURUTHY, KOTTAYAM-686 604.**

BY ADV. SRI.ROY CHACKO.

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DISTRICT OFFICE, KOTTAYAM-686 001.**
- 2. THE DEPUTY CHIEF ENGINEER,
CONSTRUCTIONS, ERNAKULAM JUNCTION,
INDIAN RAILWAYS, ERNAKULAM-682 016.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF INDUSTRIES, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 5593 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1: COPY OF THE RELEVANT PAGES OF AGREEMENT DATED 21.01.2013
WITH INDIAN RAILWAYS.**

**P2: COPY OF THE LETTER DATED 13.02.2015 ISSUED BY THE
2ND RESPONDENT TO 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5593 of 2015

Dated this the 6th day of March, 2015

J U D G M E N T

The petitioner has approached this Court seeking for a direction to be given to the 1st respondent to issue necessary 'Transit passes' to the petitioner under the KMMC Rules for transporting 5000 MTs of 'granite rubble'. The learned counsel for the petitioner points out that, a contract has been awarded to the petitioner by the Railways and that the same has to be completed in a time bound manner. The Railways have already written to the 1st respondent as per Ext.P2 dated 13.02.2015, which very much supports the case of the petitioner. The delay in causing the same to be considered and finalised, made the petitioner to approach this Court by this writ petition.

2. Heard the learned Government Pleader appearing for the respondents 1 & 3 and the learned standing counsel appearing for the 2nd respondent.

3. The learned Government Pleader points out that, steps are being taken to pursue and finalise the matter, for which a spot inspection is necessary, to ascertain the actual quantity of the

commodity to be removed and to issue sufficient number of MTP in Form OA under the new Rules. It is also stated that, the steps in this regard will be completed at the earliest, at any rate, within 'one month'.

4. In the said circumstances, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P2, after conducting an inspection with notice to the petitioner and also the 2nd respondent. It shall be done, at the earliest, at any rate, within 'one month'.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.