

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 6439 of 2015 (D)

PETITIONER :

**KANNUR JILLA THEERADESA THOZHILALI VIKASANA KSHEMA
SAHAKARANA SANGHAM LIMITED NO.C.1865,
AYIKKARA, KANNUR -670 003,
REPRESENTED BY ITS SECRETARY GEETHIKA M.K.,
D/O.JANARDHANAN,AGED 35 YEARS,
KILASHI LINE, NO.215, AYIKKARA, KANNUR -670 017.**

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENT(S):

- 1. THE DIRECTOR OF PORTS,
THIRUVANANTHAPURAM-695 001.**
- 2. THE SENIOR PORT CONSERVATOR, AZHEEKAL PORT,
KANNUR DISTRICT- 670 009.**

R1 & R2 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 6439 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 TRUE COPY OF THE ORDER DATED 08.05.2012 ISSUED BY THE
 SECOND RESPONDENT.**

**EXT.P2 TRUE COPY OF THE TERMINATION NOTICE DATED 24.2.2015 ISSUED
 BY THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 6439 of 2015

Dated this the 4th day of March, 2015

J U D G M E N T

The petitioner is aggrieved of Ext.P2 proceedings dated 24.02.2015, whereby the permit already issued in the name of the petitioner has been cancelled. According to the petitioner, the said proceedings have been issued without giving any notice or opportunity of hearing, which has resulted in far reaching consequences. This is more so, since the petitioner has already approached this Court by filing WP(C) No.3573/2015, which is pending, for enabling the petitioner to participate in the bid already floated by the concerned respondent for causing manual dredging operation in the concerned area.

2. The learned Government Pleader appearing for the respondents submits on instructions that, Ext.P2 came to be passed on the basis of the proceedings referred to therein as item No.1 & 2, and that no separate notice was issued to the petitioner before cancelling the permit. It is also stated that the 2nd respondent is ready to reconsider the matter in the case of the

petitioner, after affording an opportunity of hearing to the petitioner.

3. In the above circumstances, it is made clear that Ext.P2 shall be treated as a show-cause notice to the petitioner and the petitioner is set at liberty to file objection, if any, which shall be preferred within 'two weeks' from the date of receipt of a copy of the judgment. On preferring the objection as above, the matter shall be considered and appropriate order shall be passed in accordance with law, after affording a further opportunity of hearing to the petitioner, which shall be done, at the earliest, at any rate, within one month thereafter. It is made clear that, the petitioner will continue to be governed by the permit already issued till the proceedings are finalized as ordered above.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.