

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 6715 of 2015 (L)

PETITIONER :

**JYOTHISH KUMAR.M., AGED 34 YEARS,
S/O.SANKARAN NAIR, SANKAR VILAS,
POOVATHIKKAL P.O.AREACODE, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENTS :

- 1. THE ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM - 676 505.**
- 2. JIJEEESH
S/O.M.K.SIVAN, KARUTHEDATH HOUSE,
POOVATHIKKAL P.O., AREACODE, MALAPPURAM - 673 639.**
- 3. SAHADEVAN T.,
S/O.MADHAVAN NAIR, PUNNOTHPARAMBIL HOUSE,
POOVATHIKKAL P.O., AREACODE, MALAPPURAM -673 639.**

R1 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE NO-OBJECTION CERTIFICATE ISSUED BY THE FIRE AND RESCUE SERVICES, MALAPPURAM DATED 30.7.2014.
- EXT.P-2: TRUE COPY OF THE NO-OBJECTION CERTIFICATE ISSUED BY THE DEPARTMENT OF MINING AND GEOLOGY, DATED 16.7.2014.
- EXT.P-3: TRUE COPY OF THE NO-OBJECTION CERTIFICATE ISSUED BY THE DIVISIONAL FOREST OFFICER, NILAMBUR NORTH DIVISION DATED 12.1.2015
- EXT.P-4: TRUE COPY OF THE NO-OBJECTION CERTIFICATE ISSUED BY THE DISTRICT POLICE CHIEF, MALAPPURAM DATED 11.9.2014
- EXT.P-5: TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 10/14
- EXT.P-6: TRUE COPY OF THE OBJECTION FILED BY RESPONDENTS 2 AND 3 BEFORE THE 1ST RESPONDENT DATED 5.11.2014.
- EXT.P-7: TRUE COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR ERNAD DATED 22.7.2014.
- EXT.P-8: TRUE COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR ERNAD DATED 30.12.2014

RESPONDENT(S)' EXHIBITS

: NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.6715 of 2015

Dated this the 10th day of March, 2015

JUDGMENT

The petitioner has obtained leasehold right over 5 Ares of land comprised in Resurvey No.78/1 in Block No.27 in Urangattiri Village from the concerned owners for mining granite stones. It is stated that, the petitioner has obtained all the requisite permit/licences from the concerned authorities including the Department of Mining and Geology, Fire and Rescue Services, Pollution Control Board, Forest Department etc. and some of such proceedings have been produced as Exts.P1 to P4. It is stated that, the petitioner is still to require necessary sanction for constructing a 'Magazine' to store the explosives, for which necessary application has already been preferred before the first respondent. Only after getting clearance from the said authority that, the matter can be considered by the Local Authority, from whom appropriate licence has to be procured before commencing

the operation.

2. The learned counsel for the petitioner points out that, pursuant to the above application, the first respondent issued Ext.P5 notice dated 17.10.2014, inviting objections, if any. On publication of the said notice, respondents 2 and 3, who according to the petitioner, are residing far away, submitted Ext.P6 objection, apprehending chance for contamination of drinking water and such other adverse circumstances. On receipt of Ext.P6, the first respondent called for a report from the concerned Tahsildar/Village Officer, who conducted necessary enquiry and submitted Exts.P7&P8 reports dated 22.07.2014 and 30.12.2014 respectively. It is stated that, the contents of the said reports stand in favour of the petitioner and that, there is absolutely no basis for the apprehension expressed in Ext.P6 objection. Despite this, the matter is being protracted day by day and the application is still to be considered and finalised. Hence the writ petition.

3. Heard the learned Government Pleader as well.

4. It is brought to the notice of this Court, that the matter now stands listed for hearing tomorrow. The prayer is to cause

the matter to be finalised within a reasonable time.

5. After hearing the learned counsel for the petitioner as well as the learned Government Pleader and also considering the limited extent of relief sought for, this Court does not find it necessary to issue notice to respondents 2 and 3 for the time being.

6. The writ petition is disposed of, directing the first respondent to finalise the proceedings, forming the subject matter of Ext.P5 to P8, after hearing the petitioner and also respondents 2 and 3, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the concerned respondents, for further steps.

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

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