

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No.6969 of 2015 (U)

PETITIONER:

**M.T.PHILIP,M/S.JOYCE INDUSTRIES AND TRADES,
PLOT NO.28,INDUSTRIAL DEVELOPMENT PLOT,
MUNDAKKAL,KOLLAM-691001,RESIDING AT MAVELIL HOUSE,
MUNDAKKAL WEST,KOLLAM-69100.**

**BY SRI.ABRAHAM VAKKANAL (SENIOR ADVOCATE.)
ADVS.SRI.PAUL ABRAHAM VAKKANAL
SRI.DIJO SEBASTIAN
SMT.VINEETHA SUSAN THOMAS
SRI.ABY ABRAHAM**

RESPONDENTS:

- 1. THE DIRECTOR OF INDUSTRIES & COMMERCE,
VIKAS BHAVAN,THIRUVANANTHAPURAM-695033.**
- 2. THE GENERAL MANAGER,DISTRICT INDUSTRIES CENTRE,
ASRAMOM,KOLLAM-691002.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1:TRUE COPY OF THE PATTA NO.4566/2006 DATED 1.12.2005.

**EXHIBIT P2:TRUE COPY OF THE G.O.(P)NO.220/REV-(RULES OF ASSIGNMENT OF
GOVERNMENT LAND IN INDUSTRIAL DEVELOPMENT AREA)
DATED 30.3.1964.**

EXHIBIT P3:TRUE COPY OF THE CERTIFICATE ISSUED BY R2 DATED 30.6.1973.

**EXHIBIT P4:TRUE COPY OF PERMISSION/SANCTION LETTER ISSUED BY THE
2ND RESPONDENT DATED 8.2.2006.**

EXHIBIT P5:TRUE COPY OF THE LETTER BY THE PETITIONER DATED 22.6.2013.

EXHIBIT P6:TRUE COPY OF THE LETTER ISSUED BY R2 DATED 30.8.2013.

EXHIBIT P7:TRUE COPY OF THE REPLY BY THE PETITIONER DATED 22.10.2013.

**EXHIBIT P8:TRUE COPY OF LETTER OBTAINED FROM PETITIONER
DATED 14.8.2014.**

**EXHIBIT P8(a):TRUE COPY OF THE LETTER SENT BY PETITIONER
DATED 29.8.2014.**

EXHIBIT P9:TRUE COPY OF THE LETTER ISSUED BY R1 DATED 27.10.2014.

EXHIBIT P10:TRUE COPY OF THE LETTER ISSUED BY R2 DATED 17.9.2014.

EXHIBIT P11:TRUE COPY OF THE PETITION SENT TO R1 DATED 15.11.2014.

EXHIBIT P12:TRUE COPY OF THE LETTER ISSUED BY R2 DATED 2.12.2014.

**EXHIBIT P13:TRUE COPY OF THE REPLY GIVEN BY PETITIONER
DATED 12.12.2014.**

EXHIBIT P14:TRUE COPY OF THE NOTICE ISSUED BY R2 DATED 18.2.2015.

**EXHIBIT P15:TRUE COPY OF THE EXPLANATION GIVEN BY THE PETITIONER TO
R1 (WITHOUT ANNEXURES) DATED 27.2.2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

P.R. RAMACHANDRA MENON, J.

.....
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Dated this the 5th March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) a writ of certiorari or other appropriate writ or order quashing Ext.P9, P10, P12 and P14 being orders issued without jurisdiction and authority and are unjust, arbitrary and illegal.

ii) a writ of mandamus or other appropriate writ, order or direction commanding the 1st respondent to take a decision on Ext.P11 and P15 within a time frame, after hearing the petitioner and to stay all further proceeding pursuant to Ext.P14 to resume the land and not to interfere with the functioning of the petitioner's industrial unit in the meanwhile;

iii) to declare that Exts.P9, P10, P12, P14 & P8 to the extent undertakings are extracted from him under compulsion and threat against his will and against the applicable rules, are arbitrary, illegal, malafide and vitiated by extraneous considerations.

iv) grant such other reliefs which this Hon'ble Court may deems just and proper to be granted on the facts of the case."

2. The grievance is mainly with regard to Ext.P14 order passed by the second respondent/General Manager, District Industries Centre. It is stated that the petitioner had already projected his grievance before the first respondent /Director of Industries and Commerce by way of Ext.P11. On receipt of Ext.P14 order, the petitioner has moved the second respondent/General Manager again by submitting Ext.P15, also submitting a copy of which to the first respondent. The prayer is to cause Exts.P11 and P15 to be considered and disposed of at the earliest.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, there will be a direction to the first respondent/Director of Industries to consider and finalise Exts.P11 and P15 at the earliest, at any rate, within one month from the date of receipt of a copy of the judgment, after affording an opportunity of hearing to the petitioner . 'Status quo' shall be maintained till then.

5. The petitioner shall produce a copy of the judgment

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along with a copy of the writ petition before the first respondent/Director of Industries for further steps.

The writ petition is disposed of.

**P.R.RAMACHANDRA MENON
JUDGE**

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