

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 11756 of 2009 (L)

PETITIONER(S) :

VENDOR PADASEKHARA NELLUTPADAKA,
SAMOOHAM, REG. NO. 386/90, REP. BY SECRETARY PRINCE MANJALI,
AGED 36, S/O. M.A. FRANCIS, VENDOR P.O.,
ALAGAPPA NAGAR, THRISSUR DIST.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SMT.PREETHY KARUNAKARAN.

RESPONDENT(S) :

1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVT., INDUSTRIES DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SECRETARY TO GOVERNMENT MINISTRY FOR AGRICULTURE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
3. THE DISTRICT COLLECTOR,
AYYANTHOLE, COLLECTORATE, THRISSUR.
4. THE REVENUE DIVISIONAL OFFICER,
AYYANTHOLE, COLLECTORATE, THRISSUR.
5. THE GEOLOGIST, COLLECTORATE,
AYYANTHOLE, THRISSUR.
6. THE ALAGAPPA NAGAR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, ALAGAPPA NAGAR P.O., THRISSUR DIST.

*ADDITIONAL R7 & R8 ARE IMPEADED

R7. JOSHY P.A.,
PUDUSHERRIPADY HOUSE,, KALLUR WEST P.O., THRISSUR.

R8. KANNAN V.V.,
S/O. VELAYUDHAN, VENNUKKARAN HOUSE, CHITTISSERY P.O., THRISSUR.

(*R7&R8 ARE IMPEADED AS PER ORDER DATED 11/04/2011 IN IA.6570/2011)

R6 BY ADV. SRI.V.M.KRISHNAKUMAR,
R6 BY ADV. SMT.P.A.ANITHA,
R6 BY ADV. SMT.T.M.SABALA,
R6 BY ADV. SRI.K.K.ANSAR,
R6 BY ADV. SRI.T.M.ABHED,
R7&8 BY ADV. SRI.S.VINOD BHAT &
BY GOVERNMENT PLEADER SRI.S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1: A TRUE COPY OF THE GOVERNMENT ORDER ISSUED AS GO(MS) NO.21/09/INDS. DATED 07/02/09.
- EXT.P2: A TRUE COPY OF THE COMPLAINT SUBMITTED BY SOME MEMBERS OF THE PETITIONER SAMITHY BEFORE THE FOURTH RESPONDENT DATED 22/03/00.
- EXT.P3: A TRUE COPY OF THE COMMUNICATION BY THE ALAGAPA NAGAR GRAMA PANCHAYATH DATED 04/05/00 WITH THE ACCOMPANYING COMPLAINT.
- EXT.P4: A TRUE COPY OF THE COMPLAINT BEFORE THE FOURTH RESPONDENT DATED 15/02/00.
- EXT.P5: A TRUE COPY OF THE COMPLAINT BEFORE THE FOURTH RESPONDENT DATED 08/04/02.
- EXT.P6: A TRUE COPY OF THE COMMUNICATION BY THE ALAGAPA NAGAR GRAMA PANCHAYATH DATED 11/04/00 TO THE DISTRICT COLLECTOR, THRISSUR WITH THE RESOLUTION OF THE PANCHAYATH AND THE COMPLAINT OF THE PETITIONER.
- EXT.P7: A TRUE COPY OF THE LETTER BY THE AGRICULTURAL OFFICER, ALAGAPA NAGAR DATED 10/04/2000.
- EXT.P8: TRUE COPY OF THE JUDGMENT IN WP(C) NO.7547/2009 DATED 11/03/2009 OF THIS HONOURABLE COURT.
- EXT.P9: A TRUE COPY OF THE RESOLUTION PASSED BY THE 6TH RESPONDENT DATED 16/03/2009.
- EXT.P10: A TRUE COPY OF THE REQUEST BY THE 6TH RESPONDENT TO THE 3RD RESPONDENT DATED 18/03/2009.
- EXT.P11: A TRUE COPY OF THE COMMUNICATION BY THE AGRICULTURAL OFFICER TO THE 4TH RESPONDENT DATED 20/03/2009.
- EXT.P12: THE TRUE COPY OF THE SAID ORDER BY THE 2ND RESPONDENT DST. 16/7/15.

RESPONDENT(S) ' EXHIBITS :

- EXT. R7(A): COPY OF REPORT NO.622/11 DATED 25/01/2011 OF VILLAGE OFFICER, AMBALOOR.
- EXT. R7(B): COPY OF POSSESSION CERTIFICATE NO.620/11 DATED 25/01/2011 ISSUED BY VILLAGE OFFICER, AMBALOOR.
- EXT. R7(C): COPY OF PERMISSION GIVEN BY 1ST PETITIONER TO 2ND PETITIONER.
- EXT. R7(D): COPY OF APPLICATION DATED 27/01/2011 PREFERRED BEFORE THE GEOLOGIST.
- EXT. R7(E): COPY OF REPORT OF ASST. DIRECTOR OF AGRICULTURE, KODAKARA DATED 24/03/2011.

EXT. R7(F): COPY OF LETTER DATED 19/04/2011 ISSUED BY ALGAPPANAGAR GRAMA PANCHAYATH.

EXT. R7(G): COPY OF LETTER NO.3929/C2/TDO/11 DATED 23/04/2011 ISSUED BY THE DISTRICT OFFICE OF THE DEPARTMENT OF MINING & GEOLOGY.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P.(C) No. 11756 of 2009 (N)

Dated this the 29th day of July, 2015

J U D G M E N T

The petitioner Society apprehended that on the basis of Ext.P1, the Government would permit massive quarrying of clay from the properties owned by the members of the petitioner Society. The petitioner Society asserted that the lands occupied by them were paddy lands. The writ petition was filed in the year 2009. Two persons had impleaded themselves as additional respondents 7 and 8 and sought for removal of clay from their property, which they asserted to be not a paddy field. The petitioners also agreed to that and an order was passed on 6.8.2011 to permit additional respondents 7 and 8 to carry on quarrying in their property.

2. In any event the writ petition itself was filed on a mere apprehension in the year 2009 and the apprehensions, at this point, seems to be misplaced, since no quarrying permit has been granted with respect to the properties

owned by the members of the petitioner Society.

In such circumstance, the writ petition would stand closed, leaving open the remedy of the Society and its members to approach the appropriate authority if any such illegal quarrying is carried on. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE