

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8433 of 2015 (D)

PETITIONER(S) :

1. **ASHRAF MOULAVI, S/O.ENU,
ANDIPATTIL HOUSE, MALESAMANGALAM P.O.,
THIRUVILLWAMALA, THRISSUR DISTRICT.**
2. **MOIDEENKUTTY,
S/O.MUHAMMED KUTTY, VADAKKEKALAM HOUSE
MALESAMANGALAM P.O., THIRUVILLWAMALA,
THRISSUR DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S) :

1. **DISTRICT COLLECTOR,
THRISSUR - 680 001.**
2. **GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY
MINI CIVIL STATION, CHEMBOOKAVU, THRISSUR - 680 020.**
3. **CIRCLE INSPECTOR OF POLICE,
CHELAKKARA, THRISSUR - 680 586.**
4. **SUB INSPECTOR OF POLICE,
PAZHAYANNUR POLICE STATION, THRISSUR - 680 587.**
5. **VILLAGE OFFICER,
THIRUVILLAMALA - 680 588.**
6. **THIRUVILLAMALA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY
THRISSUR DISTRICT-680 588.**

7. FIZOZ BABU,
CHIRAKKATTIL HOUSE, ANAMANGAD P.O.,
MALAPPURAM DISTRICT - 679 357.
8. E.KRISHNAKUMAR,
ERIKKALIL HOUSE, MALESAMANGALAM P.O.,
THIRUVILLAMALA - 680 588.
9. SUDHAKARAN, KAVUMPURAM HOUSE,
MALASAMANGALAM P.O., THIRUVILLAMALA M-680 588.

R1 TO R5 BY GOVT. PLEADER SRI. M. MUHAMMED SHAFI
R7 TO R9 BY ADVS. SRI.SHAJI THOMAS
SRI.BINU PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...3/-

WP(C).No. 8433 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1:- TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS AND ANOTHER BEFORE THE 2ND RESPONDENT DATED 17.1.2015.**
- EXHIBIT P2:- TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT DATED 6.3.2015 WITH ACKNOWLEDGMENT RECEIPT.**
- EXHIBIT P3:- TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 4TH RESPONDENT ON 5.3.2015 WITH RECEIPT OF ACKNOWLEDGMENT.**
- EXHIBIT P4:- TRUE COPY OF THE COMPLAINT DATED 9.3.2015 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 5TH RESPONDENT.**
- EXHIBIT P5:- TRUE COPY OF THE COMPLAINT DATED 9.03.2015 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 6TH RESPONDENT.**
- EXHIBIT P6:- TRUE COPY OF THE COMPLAINT DATED 5.3.2015 BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.**
- EXHIBIT P7:- TRUE COPY OF THE LETTER NO.474/C2/TDO/15 DATED 6.03.2015 SENT BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 8433 of 2015

Dated this the 20th day of March, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- "i. To issue a Writ of mandamus or any other appropriate Writ or order or direction directing the Respondents 1 to 6 to ensure that no quarrying operations are conducted by Respondents 7 to 9 in Sy.Nos.195, 199, 200, 201, 202, 203, 215, 217, 218, 219 and 1752 of Thiruvillamala Village in Thalappully taluk in Trissur District.*
- ii. To issue a Writ of mandamus or any other appropriate Writ or order or direction directing the Respondents 3 to 6 to ensure that Ext.P7 order of the 2nd Respondent is implemented and that no quarrying operations are conducted by Respondents 7 to 9 in Sy.Nos.195, 199, 200, 201, 202, 203, 215, 217, 218, 219 and 1752 of Thiruvillamala Village in Thalappully taluk in Trissur District.*
- iii. To issue a Writ of mandamus or any other appropriate Writ or order or direction directing Respondents 1 to 6 not to issue any licence/permit to Respondents 7 to 9 for conducting quarrying operations in Sy.nos.195, 199, 200, 201, 202, 203, 215, 217, 218, 219 and 1752 of Thiruvillamala Village in Thalappully taluk in Trissur District.*
- iv. To grant such other and further reliefs as are just,*

proper and necessary in the facts and circumstances of the case.”

2. The case of the petitioners is that, the quarrying operation is being pursued by the respondents 7 to 9 without any regard to the Rule of law and in the absence of any valid permit/sanction. Ext.P7 is the request dated 06.03.2015 sent by the 2nd respondent to the 4th respondent as to the illegal quarrying operations in the concerned area in the Thiruvilvamala Village with reference to the complaint preferred by the petitioners. In spite of giving such a request, no positive decision has been taken by the Police and such other authorities, which made the petitioners to approach this Court by filing the writ petition.

3. Heard the learned counsel for the petitioners, learned counsel for the 6th respondent Panchayat, learned counsel for the party respondents and also the learned Government Pleader.

4. During the course of hearing, the learned counsel for the respondents 7 to 9 submits that, there is absolutely no merit or bonafides in the writ petition and that no quarrying activity is being pursued by the respondents 7 to 9 after 09.02.2015, the day on which the existing permit/licence got expired. The learned counsel further submits that application for extension of the

renewal is pending consideration. Similar issues pending consideration before the Division Bench, were heard and orders have been reserved. Hence the application for renewal is still to be considered by the competent authority. The learned counsel for the respondents 7 to 9 further submits that, no more quarrying operation will be pursued by the said respondents unless and until the licence is got renewed.

5. The said submission is recorded. The writ petition is disposed of, as no further orders are necessary. It is made clear that, if any contravention of the undertaking is done and if any quarrying operation is pursued by the respondents 7 to 9 without obtaining all the requisite licence/ clearance/permit, necessary steps shall be taken by the respondents 1 to 6 to intercept such activity and to maintain the Rule of law.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.