

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 12791 of 2009 (T)

PETITIONER :

**T.K. RAMACHANDRAN,
AGED 72 YEARS, S/O.KESAVAN, "LAL BHAVANAM"
NELLIKKALA, KARAMVELIMURI, MALLAPPUZHASSERY
KOZHENCHERY, PATHANAMTHITTA.**

**BY ADVS.SMT.G.VIDYA
SMT.R.DYANA**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.**
- 3. THE TAHSILDAR,
KOZHENCHERRY, PATHANAMTHITTA DIST.**
- 4. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.**
- 5. THE SUB INSPECTOR OF POLICE,
AARANMULA POLICE STATION, PATHANAMTHITTA DIST.**
- 6. KOSHY P.CHERIYAN, AGED 39 YEARS,
PLANKOOTTATHIL (H), NELLIKKALA, KARAMVELI
MALLAPPUZHASSERY, KOZHENCHERY, PATHANAMTHITTA.**

...2/-

7. O.M.VARGHESE @ SAJI,
AGED 34 YEARS, S/O.THOMAS SCARIA, PADINJAREMURIYIL (H)
KULATHUNGALPADY, ELATHOOR, KOZHENCHERY
PATHANAMTHITTA.

*ADDL. R8 IMPEADED

*ADDL.R8. THE SECRETARY
MALLAPPUZHASSERY GRAMA PANCHAYATH
PATHANAMTHITTA DISTRICT.

*IS IMPEADED AS ADDL. RESPONDENT NO. 8 AS PER ORDER
DATED 13.8.09 IN IA NO. 10246/09.

R1 TO R5 BY SR. GOVT. PLEADER SRI. P.M. ABDUL KHADER
R6 BY ADV. SRI.V.SETHUNATH
R7 BY ADV. SRI.O.V.MANIPRASAD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : TRUE COPY OF THE JUDGMENT PASSED BY MUNSIFF'S COURT, PATHANAMTHITTA IN OS NO. 212/06 DATED 24.3.09.
- EXT.P2 TRUE COPY OF THE REPRESENTATIONS SUBMITTED BEFORE THE 2ND RESPONDENT DATED 5.4.09.
- EXT.P2(a) TRUE COPY OF THE REPRESENTATIONS SUBMITTED BEFORE THE 3RD RESPONDENT DATED 3.4.09.
- EXT.P2(b) TRUE COPY OF THE REPRESENTATIONS SUBMITTED BEFORE THE 4TH RESPONDENT DATED 2.4.09.
- EXT.P2(c) TRUE COPY OF THE REPRESENTATIONS SUBMITTED BEFORE THE 5TH RESPONDENT DATED 3.4.09.

RESPONDENT'S EXHIBITS :

- EXT.R6(a) : TRUE COPY OF THE IA NO. 913/2009 FILED BY THE 6TH RESPONDENT BEFORE THE MUNSIFF'S COURT, PATHANAMTHITTA.
- EXT.R6(b) TRUE COPY OF THE ORDER IN IA NO. 163/09 IN CMA NO. 22/2009 OF THE DISTRICT COURT, PATHANAMTHITTA WHICH HAD STAYED THE PROCEEDINGS IN IA NO. 700/2009 IN OS NO. 212/2009.
- EXT.R7(a) TRUE COPY OF THE PERMIT DATED 2.3.2009.
- EXT.R7(b) TRUE COPY OF THE PERMIT DATED 17.3.2009.
- EXT.R7(c) TRUE COPY OF THE PERMIT DATED 2.4.2009.
- EXT.R7(d) TRUE COPY OF THE PERMIT DATED 11.6.2009.
- EXT.R7(e) TRUE COPY OF THE STOP MEMO DATED 18.3.2009.

(Contd...)

WP(C).No. 12791 of 2009 (T)

EXT.R7(f) TRUE COPY OF THE REPRESENTATION AND THE RECEIPT ISSUED
FROM THE COLLECTORATE ON 19.3.2009.

EXT.R7(g) TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT
ON 21.3.2009.

EXT.R7(h) TRUE COPY OF THE ORDER DATED 23.3.2009 OF THE THIRD
RESPONDENT.

//TRUE COPY//

P.S. TO JUDGE

Mn

A.M. SHAFFIQUE, J.

=====

W.P. (C) No. 12791 of 2009

=====

Dated this, the 9th day of November, 2015

J U D G M E N T

This writ petition has been filed seeking to prevent unauthorised quarrying and blasting conducted by respondents 6 and 7. It is alleged that the quarrying is being done in Government land.

2. Learned counsel for respondents submits that, as matters stand today, no quarrying operation is being done and that too for the last four years. Under such circumstances, I am of the view that there is no reason to issue any directions as prayed for. It shall always be open for the petitioner to approach this Court if any illegal quarrying is taking place, i.e., without any permission from the competent authorities under the Kerala Minor Mineral Concession Rules, 2015 or other statutory authorities.

With the above observation, this writ petition is dismissed.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

9/11/2015 //True Copy//

P.S to Judge