

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 11665 of 2013 (G)

PETITIONER(S):

**LINEESH.E.K., AGED 37 YEARS
S/O.KARUNAGARAN, EDAPARARATHI KUNI, IRINGAL P.O.
KOZHIKODE-673521.**

**BY ADVS.SRI.P.G.SURESH
SRI.G.SUDHEER (THURAVOOR)
SRI.RAJAN VISHNURAJ
SRI.V.HARISH**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTD BY ITS SECRETARY, DEPARTMENT OF REVENUE
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR, KOZHIKODE-673521.**
- 3. THE TAHSILDAR, QUILANDI, KOZHIKODE -673521.**
- 4. THE VILLAGE OFFICER, IRIGAL P.O., KOZHIKODE -673521.**
- 5. THE SENIOR GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
CIVIL STATION, KOZHIKODE -673521.**
- 6. THE PAYYOLI GRAMA PANCHAYATH (SPECIAL GRADE)
PAYYOLI P.O., REPRESENTED BY ITS SECRETARY, KOZHIKODE -673521.**
- 7. THE ENVIRONMENTAL ENGINEER, DISTRICT POLLUTION
CONTROL BOARD, KOZHIKODE DISTRICT -673521.**
- 8. PANAYULLATHIL BABU.M.,
S/O.ACHUTHAN, IRINGAL VILLAGE, PAYYOLI PANCHAYATH
QUILANDY TALUK, CALICUT DISTRICT -673521.**

**R1-R5 BY SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
R1-5 BY SENIOR GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN
R6 BY ADVS. SRI.C.VATHSALAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V
R8 BY ADVS. SRI.P.MARTIN JOSE
SRI.P.PRIJITH
BY SMT.JOICE GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: THE PHOTOGRAPHS EVIDENCING THE ILLEGALL SAND MINING**
- EXHIBIT P2: COPIES OF THE VARIOUS NEWS PAPER REPORTS PUBLISHED IN NEXUS WITH EXCRUCIATING SAND MINING COMMITTED BY THE 8TH RESPONDENT IN THE IRINGAL-ARUVA AREA DATED 20/3/13.**
- EXHIBIT P3: COPY OF THE APPLICATION SUBMITTED UNDER THE RIGHT TO INFORMATION ACT DTD.18/3/13.**
- EXHIBIT P4: COPY OF THE REPLY GIVEN BY THE SECRETARY OF THE 6TH RESPONDENT DATED 20/3/13**
- EXHIBIT P5: COPY OF TH REPORT OF THE VILLAGE OFFICER DTD.30/7/12**
- EXHIBIT P6: COPY OF THE WRITTEN MEMORANDUM DATED 23.03.2013 GIVEN BY THE PETITIONER BEFORE THE 6TH RESPONDENT 23/3/13.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 11665 of 2013

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Dated, this the 24th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- 'i. Issue a writ of mandamus or any other writ directing the 6th respondent to consider Exts. P5 report & P6 memorandum, before taking any steps on the proposed sand mining of the 8th respondent.
- ii. Issue a writ of prohibition or any other writ directing the official respondents 1 to 5 not to allow any illegal mining activities by the 8th respondent, till he receives a statutory license and permission from the 6th respondent.
- iii. Pass such any other order, direction or reliefs as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience."

2. The third respondent has filed a counter affidavit referring to the facts and figures, also pointing out that stop memo has already been issued by the District Collector on 21.03.2013 to the 8th respondent. It is asserted in the said affidavit, as on date, no mining operation is being conducted by the 8th respondent.

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3. In the above circumstances, this Court finds that no further orders are called for, more so when the 8th respondent has not chosen to file any counter affidavit. The writ petition is closed, recording the contents of counter affidavit filed by the 3rd respondent as above.

sd/-

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

kmd