

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 9644 of 2015 (E)

PETITIONERS:

1. USHA KUMARI AGED 51 YEARS
W/O. VIJAYAN NAIR, KRISHNA VILASOM, MAYOOR GARDEN
PERUMULLOOR, OORUTTAMBALAM P.O., THIRUVANANTHAPURAM.

2. VIJAYAN NAIR
KRISHNA VILASOM, MAYOOR GARDEN, PERUMULLOOR
OORUTTAMBALAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:

1. MARANALLOOR GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, MARANALLOOR
KUALASSERY P.O., THIRUVANANTHAPURAM - 695 512.

2. THE DISTRICT OFFICER
GROUND WATER DEPARTMENT, AMBALAMUKKU
THIRUVANANTHAPURAM - 695 003.

SRI.RAFEEKV.K. GOVERNMENT PLEADER
R1 BY ADV. SRI.V.PHILIP MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

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APPENDIX

PETITIONERS' EXHIBITS

P1 - TRUE COPY OF THE ORDER NO. GW/DOT/647/2014 DT. 07.4.14 ISSUED BY THE 2ND RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

P2 - TRUE COPY OF THE LETTER NO. GW/DOT/647/14 ISSUED BY THE 2ND RESPONDENT.

P3 - TRUE COPY OF THE CONSENT SUBMITTED BY THE PETITIONER'S NEIGHBOURS BEFORE THE 1ST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

P4 - TRUE COPY OF THE BUILDING PERMIT NO. A3-6617/14 DT. 03.12.14 ISSUED BY THE 1ST RESPONDENT.

P5 - TRUE COPY OF THE NOTICE NO. A3-37/15 DT. 05.1.15 ISSUED BY THE 1ST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

P6 - TRUE COPY OF THE REPLY DT. 10.1.15 SUBMITTED BY THE 1ST PETITIONER ALONG WITH ENGLISH TRANSLATION.

P7 - TRUE COPY OF THE LETTER NO.A3-37/15 DT. 12.2.15 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.,

.....
W.P.(C) No.9644 of 2015
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Dated this the 11th day of June, 2015

JUDGMENT

The prayer in this writ petition is for a direction to the respondents to allow the petitioners to construct a bore well in the property comprised in Re.Sy.No.77/1-1-5. The petitioners are challenging Exts.P5 and P7 orders of the 1st respondent. By Ext.P5 notice, the first respondent Grama Panchayat suspended the permit granted to the first petitioner for drilling the bore well in her property. By Ext.P7 order the Secretary of the Grama Panchayat addressed the District Officer, Ground Water Department-2nd respondent- to inspect the property of the petitioners and furnish a report regarding the requirement as well as feasibility of drilling a bore well in the property. The petitioners approached this Court at a stage when Ext.P7 letter was issued to the District Officer, Ground Water Department.

2. According to the petitioners, they are in dire need of a bore well and there is no reason for objecting to the drilling of bore well.

3. On the basis of the direction from this Court, the learned Government Pleader furnished a report of the District Officer, Ground Water Department-2nd respondent, in which he has stated that there is no objection in drilling the bore well in the property of the petitioners.

4. I heard the learned counsel for the petitioners, learned

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:2:

Government Pleader as well as the learned standing counsel for the Grama Panchayat.

In view of the fact that the 2nd respondent has found that the property of the petitioner is suitable for drilling a bore well after conducting inspection of the property, the Grama Panchayath will not be justified in keeping the permit suspended. Therefore in the above circumstances, there will be a direction to the 2nd respondent to furnish his inspection report to the Grama Panchayat and the Grama Panchayath is directed to reconsider the case of petitioners for the grant of permission for drilling bore well in their property, in the light of the aforesaid report. Final orders shall be passed in the matter within a period of three weeks.

Sd/-
P.V.ASHA,
JUDGE.

rkc