

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 9904 of 2014 (K)

PETITIONERS:

- 1. ANTO THOMAS KANICHAJ,
S/O.K.I.THOMAS, KANICHAJ HOUSE, VAINTHALA.P.O.,
PALAYAM PARAMBU, THRISSUR.**
- 2. JOSE.J.MANNALI,
S/O.LATE M.D.JOHN, DOVE VILLA, ALAGAPPANAGAR.P.O.,
THRISSUR-680302.**

**BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
THRISSUR- 680 001.**
- 2. THE DISTRICT GEOLOGIST,
DEPARTMENT OF GEOLOGY, THRISSUR- 680 001.**
- 3. THE VILLAGE OFFICER,
EDAKUNNY VILLAGE OFFICE, THRISSUR- 680 001.**
- 4. THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE, THRISSUR- 680 001**
- 5. STATE OF KERALA-
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**

R2 BY GOVERNMENT PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 9904 of 2014 (K)

APPENDIX

PETITIONERS' EXHIBITS

**EXT.P1 : COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICE
DATED 4.2.2014**

**EXT.P2 : COPY OF THE PERMIT ISSUED FOR THE YEAR 2013 BY THE
DEPARTMENT OF GEOLOGY.**

**EXT.P3 : COPY OF THE APPLICATION DATED 6.2.2014 SUBMITTED
BEFORE THE 4TH RESPONDENT.**

**EXT.P4 : COPY OF THE ORDER DATED 21.2.2014 ISSUED BY THE
GOVERNMENT OF KERALA.**

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 9904 of 2014

~~~~~

Dated, this the 19th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

- "i. To issue a writ of mandamus or any other appropriate writ, order or direction to the 4th respondent to consider Ext. P3 application within a time frame fixed by this Hon'ble Court and issue NOC for clay mining;
- ii. Grant such other or further relief as this Hon'ble Court deems fit to grant in the particular facts and circumstances of the case.

2. The petitioners, who are engaged in the business of manufacturing tiles, are aggrieved of non-consideration of Ext. P3 application dated 06.02.2014 preferred by them before the 4th respondent seeking for a no-objection certificate, so as to effect excavation of clay from the property having an extent of 15 cents situated in Survey Nos. 130, 132 of Edakunni village belonging to the first petitioner. It is stated that the delay in considering Ext. P3 is causing much loss and hardships to the petitioners and hence the only relief now pressed before this Court to cause Ext. P3 application to be considered by the 4th respondent within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The Writ Petition is disposed of, directing the 4th respondent to consider and pass appropriate orders on Ext. P3 application, in accordance with law, after giving an opportunity of hearing, at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the 4th respondent for further steps.

sd/-

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

kmd