

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 10080 of 2015 (H)

PETITIONER :

**ABDULLA MAULAVI, AGED 53 YEARS
S/O.ABDUL RAHMAN MAULAVI
RESIDING AT MANGALATH HOUSE,
PALLARIMANGALAM VILLAGE
PALLARIMANGALAM KARA, KOTHAMANGALAM
ERNAKULAM DISTRICT, PIN-686691.**

BY ADV. SRI.PEEYUS A. KOTTAM

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE
GOVERNMENT SECRETARIAT, ANNEXE, TRIVANDRUM, PINCODE-695001.**
- 2. GEOLOGIST
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE
CIVIL STATION, KAKKANAD, ERNAKULAM
COCHIN-682030.**
- 3. THE VILLAGE OFFICER
VILLAGE OFFICE, PALLARIMANGALAM, KOTHAMANGALAM
ERNAKULAM DISTRICT, PINCODE-686 691.**

R1 TO R3 BY SR. GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 10080 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF ORDER NO. 611/14-15/DOE/654/E2/15 DATED 16.3.2015
ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

**EXT.P2 COPY OF THE NOTICE NO. 28/14 DATED 26.3.2015 ISSEUD BY THE 3RD
RESPONDENT TO THE PETITIONER.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.10080 of 2015

Dated this the 30th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of mandamus or any other appropriate writ or order or direction and thereby command the 3rd respondent not to interfere with the petitioner from carrying on the leveling work being carried on as per Ext.P1 order from the property specified therein in compliance with the conditions therein.

ii) Grant such other reliefs as this Honourable Court deems fit and proper on the facts and circumstances of the case."

2. The learned counsel for the petitioner submits that, the grievance of the petitioner is mainly with regard to Ext.P2 notice dated 26.03.2015 issued by the Village Officer. It is stated that absolutely no activity is being pursued by the petitioner contrary to the relevant provisions of law or the conditions of Ext.P1 order and it is asserted that the petitioner pursued the operation only with regard to the levelling, subject to the conditions specified in Ext.P1.

3. Heard the learned Government Pleader as well.

4. In the above circumstances, there will be a direction to the 2nd respondent to carry out an inspection in the property belonging to the petitioner with notice to the petitioner and also to the 3rd respondent, and ensure that the exercise is being pursued by the petitioner strictly in conformity with Ext.P1. If any infringement of the provisions of law or the condition is noted, it is for the concerned respondent to proceed with further steps so as to meet the situation. If for any reason, the 2nd respondent finds it difficult to complete the inspection on or before 09.04.2015, appropriate orders shall be passed so as to extend the validity of Ext.P1 to an appropriate extent.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

Sd/-

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

sp