

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 10531 of 2015 (N)

PETITIONER(S) :

**M/S.INDIRA MOTOR SERVICE, THANA,
KANNUR-12, REPRESENTED BY ITS MANAGING PARTNER,
E.K.HYMAVATHI, D/O.SHYAMSUNDAR, AGED 60 YEARS,
RESIDING AT JYOTHIKA, SUBASH ROAD, ONDEN PARAMBA,
CIVIL STATION P.O, KANNUR-2.**

**BY ADVS.SRI.BIJU ABRAHAM
SRI.B.G.BHASKAR**

RESPONDENT(S) :

- 1. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM- 695 001.**
- 2. PANAKKAT NAZARUDDIN, AGED 54 YEARS,
S/O.LATE KUNHIMOOSA @ MOOSAKKUTTY,
BUSINESS, RESIDING AT CITADAL, THULLERI, KANNUR-1.**
- 3. DISTRICT COLLECTOR,
KANNUR- 1.**

R1 & R3 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 10531 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE CURRENT LICENCE VALID UP TO 2018
DATED 16.06.2014 OF THE PETITIONER.**

**EXHIBIT P2: A TRUE COPY OF THE LEASE DEED NO.2087/71 S.R.O.KANNUR,
DATED 29.12.1971.**

**EXHIBIT P3: A TRUE COPY OF THE STAY ORDER GRANTED IN I.A.NO.707/2015
IN R.S.A.NO.282/2015 ON THE FILES OF HON'BLE HIGH COURT OF
KERALA DATED 18.03.2015.**

**EXHIBIT P4: A TRUE COPY OF THE PROCEEDINGS UNDER REFERENCE
NO.2014/5798/13/D4 OF THE 3RD RESPONDENT NIL DATED.**

**EXHIBIT P5: A TRUE COPY OF THE APPEAL NO.LR(A)5-12699/15 BEFORE
THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10531 OF 2015
.....

Dated this the 31st March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

" A. A writ of certiorari or any other appropriate writ, order or direction quashing Exhibit P4 order of the 3rd respondent or in the alternative stay the effect and implementation of Exhibit P4 by allowing the petitioner to operate the pump till Exhibit P5 appeal is heard and decided by the 1st respondent.

B. A writ of mandamus or any other appropriate writ order or direction commanding the 1st respondent to hear and dispose of Exhibit P5 appeal within a time limit fixed by this Hon'ble Court;

C. Any other appropriate writ, order or direction as this Hon'ble Court deem fit and proper on the facts and in the circumstances of the case and allow this writ petition with cost for the ends of justice. "

2. The learned Counsel for the petitioner submits that being aggrieved of Ext.P4 order passed by the third respondent/District Collector, the petitioner has already moved the first respondent/Land Revenue Commissioner, who is the

appellate authority, by way of Ext.P5 appeal. Steps are being taken in the meanwhile to implement Ext.P4, which made the petitioner to approach this Court by filing this writ petition.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to deal with the merits of the case or to issue notice to the second respondent for the time being. The writ petition is disposed of directing the first respondent/Land Revenue Commissioner to consider and pass final orders on Ext.P5 appeal, after affording an opportunity of hearing to the petitioner and also to the second respondent, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

5. 'Status quo' shall be maintained till such time.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE