

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 10810 of 2015 (A)

PETITIONER(S):

**BIJU A.T., AGED 37,
S/O.THANKAPPAN, AMBOPILLY HOUSE, AYYAMPUZHA VILLAGE,
KARAKKAD, NADUVATTOM P.O., KALADY,
ERNAKULAM.**

**BY ADVS.SRI.S.RENJITH
SRI.S.UNNIKRISHNAN (NELLAD)**

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, FORT KOCHI, ERNAKULAM.**
- 2. THE VILLAGE OFFICER,
AYYAMPUZHA VILLAGE, NADUVATTOM P.O., KALADY,
ERNAKULAM.**
- 3. SENIOR GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE,
CIVIL STATION, KAKKANAD, ERNAKULAM,
KOCHI - 682 030.**
- 4. AYYAMPUZHA GRAMA PANCHAYATH,
AYYAMPUZHA NADUVATTOM P.O., KALADY, ERNAKULAM,
REPRESENTED BY ITS SECRETARY. 683 574.**
- 5. SUB INSPECTOR OF POLICE,
AYYAMPUZHA POLICE STATION, AYYAMPUZHA,
ERNAKULAM DISTRICT - 683 574.**
- 6. T.I.JOSE, THOTTAKKARA HOUSE,
CHULLY P.O., ERNAKULAM - 683 581.**

R1 TO R3 & R5 BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10810 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: COPY OF THE RECEIPT 19.3.2015 ISSUED MINING & GEOLOGY
DEPARTMENT.**

**EXT.P-2: COPY OF THE COMPLAINT SUBMITTED BEFORE THE 1ST RESPONDENT
DATED 17.3.2015.**

**EXT.P-3: COPY OF THE PETITIONER SUBMITTED BY THE COMPLAINT BEFORE THE
2ND RESPONDENT DATED 20.3.2015.**

**EXT.P-4: COPY OF THE STOP MEMO ISSUED BY THE VILLAGE OFFICER
DATED 20.3.2015.**

**EXT.P-5: COPY OF THE COMPLAINT DATED 23.3.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10810 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the complaint that the 6th respondent is conducting unauthorized quarrying in spite of the stop memo issued by the 2nd respondent vide Ext.P4. The writ petition is filed with the following prayers:

"(i) To issue a writ of mandamus directing the respondents Nos.1 to 4 to see that Ext.P4 is implemented in its fullest sense and also to see that appropriate action against the 6th respondent is taken, for violating Ext.P4 order of the 2nd respondent, in accordance with provisions of law;

(ii) issue a writ of mandamus directing the Respondent No.1 and 2 to take necessary steps to close down the quarry unit conducted by the 6th respondent.

(iii) Pass such other writs, orders or directions as this Hon'ble Court may deems just, fit and necessary in the facts and circumstances of this case."

2. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the 6th respondent and also the learned Senior Government Pleader.

3. During the course of hearing, the learned counsel appearing for the 6th respondent submits that the licence of the petitioner expired on 20.02.2015 and that no quarrying activities are being pursued by the said respondent thereafter. It is stated that application for renewal has already been preferred by the 6th respondent and that further quarrying activities will be pursued only after getting all the requisite clearances to run the quarry.

4. The learned Government Pleader submits that by virtue of relevant Government Orders, all the permits which were already issued stood expired on 09.01.2015, and as such, the 6th respondent could not have conducted any further operations after 09.01.2015.

5. After hearing both the sides, this Court finds that the petitioner has already closed down the quarrying unit as submitted, assured and undertaken by the learned counsel to the

effect that no further quarrying operation will be conducted unless proper licence/sanction is obtained.

6. In the above circumstances, no further orders are called for.

The writ petition stands disposed of accordingly.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-