

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 11119 of 2015 (L)

PETITIONER(S):

1. RAPHEL JOSEPH, RESIDING AT
JOSEPH VILLA, C.S. NAGAR 12,
MAMAI PURAYIDOM, ALTHARA JUNCTION,
KOLLAM, KERALA - 691013.
2. LEENA ANTONY, AGED 70 YEARS,
RETIRED TEACHER, RESIDING AT
CLARA BHAVAN, CS NAGAR 11,
ALTHARA JUNCTION, KOLLAM, KERALA - 691 013.
3. JESSY INNOCENT, AGED 48 YEARS,
STANNS VILLA, C.S.NAGAR NO.13,
ALTHARA JUNCTION, KOLLAM, KERALA - 691 013.
4. SHAJI KUMAR AGED 54 YEARS, SS PALACE,
CS NAGAR 5, ALTHARA JUNCTION,
KOLLAM, KERALA - 691 013.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENT(S):

1. CONTROLLER OF EXPLOSIVES,
DEPUTY CHIEF CONTROLLER OF EXPLOSIVES,
C2-IIIRD FLOOR, CGO COMPLEX, KAKKANAD,
ERNAKULAM, KERALA.
2. ADDITIONAL DISTRICT MAGISTRATE,
OFFICE OF THE DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM - 691 013.
3. DISTRICT TOWN PLANNER,
OFFICE OF THE DISTRICT TOWN PLANNER,
MUNICIPAL BUILDINGS, CHINNAKKADA,
KOLLAM 691 001.

WP(C).No. 11119 of 2015 (L)

4. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, USHUS BUILDING, BIG BAZAR,
KOLLAM - 691001.
5. KOLLAM CORPORATION,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE KOLLAM CORPORATION,
KOLLAM - 691 001.
6. ASSISTANT DIVISIONAL OFFICER,
OFFICE OF THE ASSISTANT DIVISIONAL OFFICER,
FIRE AND RESCUE, KADAPPAKKADA,
KOLLAM - 691 008.
7. THE TAHSILDAR, TALUK OFFICE,
KOLLAM - 691 001.
8. THE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
KOLLAM - 691001.
9. EMERSON
KADAVYIL VILLA, BISHOP PALACE ROAD,
THANGASSERI, KOLLAM. 691007.

R1 BY SRI.N.NEELAKANTAN ELAYATH, CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2, R3 & R6 TO R8 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE
R4 BY SRI.M.R.ARUNKUMAR, SC
R5 BY SRI.M.K.CHANDRA MOHAN DAS,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

WP(C).No. 11119 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 - A TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY
THE PETITIONERS BEFORE THE 6TH RESPONDENT.**
- EXT.P2 - A TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY
THE PETITIONERS BEFORE THE 7TH RESPONDENT.**
- EXT.P3 - A TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY
THE PETITIONERS BEFORE THE 8TH RESPONDENT.**
- EXT.P4 - A TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY
THE PETITIONERS BEFORE THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 11119 of 2015

Dated this the 10th day of April, 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, directing the second respondent as the District Authority under the Petroleum Rules to conduct necessary enquiry under Rule 144 taking into account the objection of the petitioners in Exhibit P4 representation and also after conducting a local inspection, notwithstanding any clearance issued by the respondents 6 to 8, within a time frame that this Hon'ble Court may consider reasonable.

ii. Issue such other writ order or direction that this Honourable Court may deem fit and proper in the nature and circumstances of the case."

The learned counsel for the petitioners submits that the grievance of the petitioners has also been projected by way of Ext.P4 representation before the 2nd respondent and the prayer is to cause the same to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed

of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P4 with notice to the affected parties, petitioners, 9th respondent and other interested parties, if any, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment. The outcome shall be communicated to the petitioners and others concerned.

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

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

kp/-