

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No.11758 of 2015 (T)

PETITIONER:

**RIYAS,KOTTUKATTIL HOUSE,S/O.ALAVI @ BAVA,
P.O.THUPRANGODE,MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.RAMACHANDRAN
SMT.M.C.BINDUMOL**

RESPONDENT'S:

- 1. THE SUB COLLECTOR,OFFICE OF THE SUB COLLECTOR,
TIRUR-676101.**
- 2. THE VILLAGE OFFICER,THUPRANGODE,
MALAPPURAM DISTRICT,PIN-676108.**

R1 & R2 BY SENIOR GOVT. PLEADER SRI.K.C.VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

W.P(C) NO.11758/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE ACKNOWLEDGMENT DATED 24.3.2014 ISSUED TO THE PETITIONER FOR CONDUCT OF HIS MANUFACTURING UNIT BY THE DEPARTMENT OF INDUSTRIES.

EXT.P2:TRUE COPY OF THE CONSENT DATED 25.11.2014 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.

EXT.P3:TRUE COPY OF THE BUILDING PERMIT DATED 6.1.2015 ISSUED BY THE SECRETARY,THRIPRANGODE GRAMA PANCHAYAT.

EXT.P4:TRUE COPY OF THE STOP MEMO DATED 27.3.2015 ISSUED BY THE VILLAGE OFFICER,TRIPRANGODE.

EXT.P5:TRUE COPY OF THE REPRESENTATION DATED 28.3.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 11758 of 2015

Dated this the 9th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) Issue a writ of certiorari or any other appropriate writ, order or direction calling for the records leading upto Ext.P4 stop memo dated 27.3.2015 issued by the second respondent, and quash the same.*
- (ii) Issue a writ of mandamus or other appropriate writ order or direction directing the first respondent to consider and pass orders on Ext.P5 representation submitted by the petitioner immediately, or within a time frame to be fixed by this Hon'ble Court.*
- (iii) Render such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”*

2. The learned counsel for the petitioner submits that the petitioner's property is a garden land and he has obtained Ext.P1 acknowledgment issued by the Department of Industries, Ext.P2 consent from the Pollution Control Board and Ext.P3 building permit, for construction of a manufacturing unit. Being aggrieved of Ext.P4 stop memo the petitioner submitted Ext.P5 representation before the 1st respondent. Prayer is to cause the

same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P5, which shall be treated as a petition under Clause 6(2) of the KLU order. It shall be done, after calling for a report from the concerned Agricultural Officer and after affording an opportunity of hearing to the petitioner, also in the light of the decisions reported in **Revenue Divisional Officer V. Jalaja Dileep [2015 (1) KLT 984 (SC)]** and 2015 (1) KLT 937, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.