

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 12030 of 2015 (C)

PETITIONER(S) :

J.A.M D'CRUZ,
DICK HOUSE,
CHUNDALE P.O., VYTHIRI,
PIN-673 123, WAYANAD DISTRICT.

BY ADVS.SRI.P.T.MOHANKUMAR
SRI.S.K.SAJU.

RESPONDENT(S) :

1. VYTHIRI GRAMA PANCHAYATH,
VYTHIRI, PIN-673576, WAYANAD DISTRICT,
REPRESENTED BY ITS SECRETARY.
2. THE DISTRICT COLLECTOR,
COLLECTORATE KALPETTA,
PIN-673121, WAYANAD.

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1. TRUE PHOTOSTAT COPY OF THE LETTER SENT BY THE PETITIONER
TO THE 1ST RESPONDENT, DATED 20-1-2015.

EXT.P2. TRUE PHOTOSTAT COPY OF THE LETTER FROM THE 1ST
RESPONDENT TO THE PETITIONER TO GET NO OBJECTION
CERTIFICATE FROM FIRE AND RESCUE DEPARTMENT AND POLLUTION
CONTROL BOARD, DATED 4-2-2015 WITH ENGLISH TRANSLATION.

EXT.P3. TRUE PHOTOSTAT COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER TO THE 2ND RESPONDENT, DATED 11-2-2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.12030 of 2015

Dated this the 8th day of June, 2015

JUDGMENT

The petitioner is aggrieved by the denial of permission to the petitioner for cutting the rock which is protruding to the petitioner's property which is intended for the construction of the residential building.

2. The petitioner proposes to construct a residential building in his property for which he applied for building permit from the first respondent. The petitioner proposes to cut the rock using diamond wire rope technology without use of explosives. But the second respondent is insisting on permission from the 2nd respondent. The second respondent in turn, is not prepared to grant any permission in view of the fact that no explosives are being used. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader.

4. As it appears from record that Ext.P3 application dated 11th February 2015 is still pending before the respondents, this Court is of the view that this writ petition can be disposed of.

Therefore, this writ petition is disposed of directing the second respondent to consider and pass orders on the same, after affording the petitioner an opportunity of being heard. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the judgment as well as a copy of the writ petition before the respondent at the earliest.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE