

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).NO. 14862 OF 2013 (G)

PETITIONER(S):

- 1. A.M. CHACKOCHAN
PRESIDENT, KOLLAM DISTRICT COMMITTEE
KERALA QUARRY AND CRUSHER OPERATORS ASSOCIATION,
KOTTARAKKARA - 691 506.**
- 2. M.B.PRAKASH, SECRETARY,
KOLLAM DISTRICT COMMITTEE,
KERALA QUARRY AND CRUSHER OPERATORS ASSOCIATION,
KOTTARAKKARA - 691 506.**

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENT(S):

- 1. THE COMMISSIONER OF COMMERCIAL TAXES,
OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES,
PUBLIC OFFICE BUILDING, MUSEUM JUNCTION,
THIRUVANANTHAPURAM - 695 033.**
- 2. THE DISTRICT COLLECTOR, KOLLAM - 691 013.**
- 3. THE ASSISTANT COMMISSIONER OF COMMERCIAL TAXES (INTELLIGENCE),
OFFICE OF THE ASSISTANT COMMISSIONER OF COMMERCIAL TAXES,
KOLLAM - 691 021.**
- 4. THE SENIOR GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
ASRAMAM P.O., KOLLAM - 691 002.**
- 5. THE CITY POLICE COMMISSIONER, KOLLAM - 691 001.**
- 6. THE DISTRICT POLICE SUPERINTENDENT (RURAL), KOLLAM,
OFFICE OF THE DISTRICT POLICE SUPERINTENDENT (RURAL)
KOTTARAKKARA, KOLLAM - 691 506.**
- 7. THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, CIVIL STATION,
KOLLAM - 691 013.**

BY SR. GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).NO. 14862 OF 2013 (G)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1: PHOTOCOPY OF REPRESENTATION FILED BY THE PETITIONERS BEFORE THE
RESPONDENTS DT.12/05/13.**

RESPONDENT(S)' EXHIBITS : NIL

OKB

//TRUE COPY//

PA. TO JUDGE

K.HARILAL, J.

W.P(C). No.14862 of 2013

Dated this the 5th day of March, 2015.

JUDGMENT

Petitioners are the President and the Secretary of the Kollam District Committee of Kerala Quarry & Crusher Operators Association. They are conducting their business in compliance with the legal provisions after obtaining necessary statutory licences and permits on payment of fees and also paying tax as per the provisions of the Kerala Value Added Tax Act, 2003, and the Rules therein. The grievance of the petitioners is that for the last more than one year enormous number of persons are illegally transporting M.sand from Tamil Nadu and stocking the same for sale on the sides of Kollam-Thiruvananthapuram as well as Kollam-Shenkotta National Highways. As per the decision of the committee the petitioners' Association filed Ext.P1 complaint through registered post on 12/5/2013 to the 1st respondent herein. But, in spite of long lapse of more than one year, no action had been taken on Ext.P1. This is the grievance projected in this writ petition.

2. The 3rd respondent has filed a counter affidavit denying the allegations in the writ petition and contended that, so far, no such instance of illegal transportation or sale of M.sand violating the

provisions of statute was brought to the notice of the authorities concerned. It is also stated that there is no inaction on the part of the respondents 1 to 3 and their subordinate officers against such unauthorised conduct of business.

3. Heard the learned counsel for the petitioners and the learned Government Pleader. Going by the averments in the writ petition, it is seen that the petitioners' Association is aggrieved by the inaction on Ext.P1 complaint filed before the competent authorities who are liable to consider and pass orders accordingly. Though it is exhaustively stated that no such instance of illegal transporting and selling of M.sand was brought to the notice of the authorities, nothing is stated as regards the action taken on Ext.P1 complaint. I am of the opinion that the petitioners should have been given an opportunity of being heard on Ext.P1 complaint.

4. Under the above circumstances, the 1st respondent is directed to consider and pass orders on Ext.P1 complaint after affording an opportunity of being heard to the petitioners at the earliest, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-
(K.HARILAL, JUDGE)

okb.