

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. 12307 of 2015 (K)

PETITIONER(S):

**KANHIRATHINGAL THOMAS,
S/O.PAILOTH, AGED 50 YEARS,
CHENGALLUR VILLAGE AND DESOM,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR-680 001**
- 2. THE ENVIRONMENTAL ENGINEER,
THE KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, THRISSUR-680 001**
- 3. THE GEOLOGIST, MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, PUTHUKKAD, THRISSUR-680 301**
- 4. MARTIN,S/O.MEECHERIPADY JACOB,
PUTHUKKAD DESOM, THORAVU VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR-680 683**
- 5. YACOB, S/O.MEECHERIPADY PAULOSE,
PUTHUKKAD DESOM, THORAVU VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR-680 683.**

**R1 & R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R2 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD**

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

sts

WP(C).NO.12307/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGD SALE DEED NO.3046 OF 1997, S.R.O., NELLAYI.**
- P2 COPY OF THE PHOTOGRAPHS OF THE QUARRY AND THE DAMS CAUSED TO THE RUBBER PLANTATIONS.**
- P3 COPY OF THE INTERIM ORDER DATED 11/2/15 IN WP(C).NO.3252 OF 2015**
- P4 COPY OF THE REPRESENTATION DATED 06/04/2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT**
- P5 COPY OF THE REPRESENTATION DATED 06/04/2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 12307 of 2015

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Dated, this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) To issue a writ of mandamus or other appropriate writ, order or direction directing the Respondent No.1 to consider and to pass orders on Ext. P4 representation by affording an opportunity of being heard to the petitioner and by conducting the site inspection within a time frame as may be fixed by this Hon'ble Court.

(ii) To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the respondents 1 to 3 to stop illegal quarrying operations conducted by the respondents 4 and 5 forthwith.

(iii) To ward the cost of these proceedings to the petitioner and

(iv) To grant such other and further reliefs as this 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 will be satisfied, if a direction is given to the first

respondent to consider and pass appropriate orders on Ext. P4 complaint preferred by the petitioner within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The Writ Petition is disposed of, directing the first respondent to consider and pass appropriate orders on Ext. P4 complaint preferred by the petitioner, in accordance with law, after giving an opportunity of hearing to the petitioner as well as the respondents 4 and 5, at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd