

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 16944 of 2010 (P)

PETITIONER(S):

1. G.K.SARASWATHY, AGED 61,
W/O.V.K.GOPINATHAN, MELPADAVIL HOUSE, VAIKOM TALUK,
VADAKKE MURI VILLAGE, UDAYANAPURAM P.O., PIN-686 143.
2. PADMAVATHY AMMA, AGED 68,
W/O.P.RAVINDRANATHAN PILLAI, RESIDING AT 'SREERAG',
ARoor P.O., ALAPPUZHA, PIN-688 534.

**BY ADVS.SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU**

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
CIVIL STATION, KOTTAYAM.
2. THE REVENUE DIVISIONAL OFFICER,
CIVIL STATION, PALA.
3. THE TAHSILDAR,
VAIKOM TALUK, KOTTAYAM DISTRICT.
4. THE DISTRICT GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE,
KOTTAYAM.
5. MARAVANTHURUTHU GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, MARAVANTHURUTHU,
VAIKOM TALUK, KOTTAYAM DISTRICT.
6. THE DIRECTOR OF MINING AND GEOLOGY,
OFFICE OF THE DIRECTOR OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM.

Msv/

WP(C).No. 16944 of 2010 (P)

7. SURENDRAN, AGED 58, S/O.KOCHU PILLAI,
PULIKKIYIL HOUSE, KULASEKHARAMANGALAM P.O.,
VAIKOM TALUK, KOTTAYAM DISTRICT - 686 608.
8. DEVAKI, AGED 60, D/O.KOCHU PILLAI,
AMBATTU HOUSE, VAIKOM TALUK, KOTTAYAM DISTRICT,
ENADI P.O.

R1 TO R4 & R6 BY GOVERNMENT PLEADER SRI.S.JAMAL
R5 BY ADVS. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA
R7 & R8 BY ADV. SRI.S.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 16944 of 2010 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF COMISSION REPORT ALONG WITH THE ROUGH SKETCH
DTD.3.5.2010.**

**EXT.P2: TRUE COPY OF THE COMPLAINANT DTD.5.5.2010 SUBMITTED BY THE 2ND
PETITIONER AND OTHER CO-OWNERS.**

EXT.P3: TRUE COPY OF THE RECEIPT ISSUED BY 5TH RESPONDENT.

EXT.P4: TRUE COPY OF THE LAWYER NOTICE DTD.11.5.2010.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

K. VINOD CHANDRAN, J.

W.P(C) No.16944 of 2010

Dated this the 27th day of July, 2015

J U D G M E N T

The petitioners in the above writ petition were aggrieved with the illegal mining operations carried on by the respondents 7 and 8 in the property adjacent to the property of the petitioner. The 1st petitioner is also said to have filed a suit against the quarrying operation conducted by the respondents 7 and 8. The suit was decreed prohibiting the respondents 7 and 8 from carrying on quarrying operations but only to the extent of 5 meters from the boundary of the petitioners. The petitioner is said to have filed an appeal from the decree claiming that in fact the prohibition should be to the extent of 10 meters. The appeal is also dismissed and against the same a second appeal was filed and the same is pending as S.A No.1191/2014. There is also an interim order passed in the

above writ petition as early as on 02.06.2010, staying the mining operations of the respondents 7 and 8. The same shall continue subject to the result of the Second Appeal.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge