

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 13410 of 2015 (A)

PETITIONER:

E.M.SUNNY AGED 54 YEARS
MANAGING PARTNER, VICTORY GRANITE METALS
MANNAMPETTA, VARAKKARA P O, TRICHUR DIST

BY ADVS.SRI.T.M.CHANDRAN
SRI.S.SUJITH

RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER
TRICHUR 680003

2. THE GEOLOGIST
OFFICE OF THE DISTRICT GEOLOGIST, MINI CIVIL STATION
CHEMBUKAVU, TRICHUR 680020

3. THE SECRETARY
ALAGAPPANAGAR GRAMA PANCHAYATH, ALAGAPPANAGAR
TRICHUR 680302

4. GLADSON
S/O.CHOONDAKATTIL DEVASSY, PUDUKKAD
MUKUNDAPURAM TALUK, TRICHUR 680301

5. SHAJU
S/O.CHOONDAKATTIL DEVASSY, PUDUKKAD
MUKUNDAPURAM TALUK, TRICHUR 680301

6. ROBERT
S/O.CHOONDAKATTIL DEVASSY, PUDUKKAD
MUKUNDAPURAM TALUK, TRICHUR 680301

SRI.RAFEEK.V.K., GOVERNMENT PLEADER
R6 BY ADV. SRI.MAHESH V.MENON
R3 BY ADV. SRI.K.S.BHARATHAN
R5 BY ADV. SRI.K.G.BALASUBRAMANIAN
R4 BY ADV. SRI.C.M.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONER'S EXHIBITS

P1:-TRUE COPY ORDER DTD 22/6/2011 GRANTING QUARRYING LEASE TO THE PETITIONER

P2:-TRUE COPY OF THE ORDER DTD 11/4/2007 GRANTING QUARRYING LEASE IN SY NOS 1427 & 1428

P3:-TRUE COPY OF CONSENT DTD 24/12/2012 ISSUED BY THE POLLUTION CONTROL BOARD

P4:-TRUE COPY OF THE LICENSE DTD 28/4/2011 WITH VALIDITY TILL 31/3/2016

P5:-TRUE COPY OF THE NO OBJECTION CERTIFICATE DTD 16/4/2015

P6:-TRUE COPY OF THE ROUGH SKETCH OF THE AREA

P7:-TRUE COPY OF THE OBJECTION DTD 24/4/2015

P8:- TRUE COPY OF THE ADDITIONAL OBJECTION DT.14.5.2015

P9:- TRUE COPY OF CERTIFICATE DT.4.1.2007 ISSUED BY THE VILLAGE OFFICER, AMBALLUR

P10:- TRUE COPY OF CERTIFICATE DT.16.1.2007.

3RD RESPONDENT'S EXHIBITS

EXT.R3(A): TRUE COPY OF THE APPLICATION SUBMITTED BY RESPONDENTS 4 TO 6 DT.12.3.2015.

5TH RESPONDENT'S EXHIBITS

EXT.R5(A): TRUE COPY OF LETTER DATED 24.2.2015 GIVEN BY VILLAGE OFFICER, AMBALLUR

6TH RESPONDENT'S EXHIBITS

EXT.R6(A): TRUE COPY OF CERTIFICATE ISSUED BY THE VILLAGE OFFICER, AMBALLUR

EXT.R6(B): TRUE COPY OF LETTER ISSUED BY THE GEOLOGIST

EXT.R6(C): TRUE COPY OF BASIC TAX RECEIPTS

EXT.R6(D): TRUE COPY OF BASIC TAX RECEIPTS

EXT.R6(E): TRUE COPY OF RESIDENTIAL CERTIFICATE ISSUED BY THE PUDUKKAD GRAMA PANCHAYATH

EXT.R6(F): PHOTOGRAPH OF THE BUILDING CONSTRUCTED BY R5

EXT.R6(G): PHOTOGRAPH OF THE WELL IN THE PROPERTY OF R6

EXT.R6(H): TRUE COPY OF THE DIRECTIONS GIVEN BY VASTHU EXPERT. RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.

.....
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Dated this the 4th day of August, 2015

JUDGMENT

The petitioner is aggrieved by the grant of permit by Panchayat in favour of respondents 4 to 6 for construction of a residential building within 100 meters of his quarry.

2. Respondents have entered appearance through counsel. Respondents 4 to 6 have seriously opposed the prayers of the petitioner. According to them, permission has been granted for construction of residential building, after conducting inspection as per rules.

3. The petitioner has submitted Exts.P7 and P8 objection before the 3rd respondent Panchayat. Panchayat has filed a counter affidavit, in which they have admitted that the objection has been received and it is pending consideration.

4. In the above circumstances, there will be a direction to the 3rd respondent to consider and pass orders on Exts.P7 and P8 objections, after hearing the petitioner, respondents 4 to 6 and other affected parties, if any, within a period of one month from

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:2:

the date of receipt of a copy of this judgment.

Simultaneously, the petitioner has submitted Ext.P7 objection before the 2nd respondent also. Therefore, there will be a direction to the 2nd respondent also to consider and pass orders on Exts.P7 objection filed by the petitioner, after hearing the petitioner, respondents 4 to 6 and other affected parties, if any, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-

**P.V.ASHA,
JUDGE.**

rkc