

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. 13411 of 2015 (B)

PETITIONER:

SMT.ALPHONSA JAMES AGED 59 YEARS
PROPRIETOR, KUNDUPARAMBIL METAL PRODUCTS, MANNAMPETTA
VARAKKARA P O, TRICHUR DIST-680325

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 GARAMA 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
R3 BY ADV. SRI.K.S.BHARATHAN
R6 BY ADV. SRI.MAHESH V.MENON
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

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APPENDIX

PETITIONER'S EXHIBITS

P1:-TRUE COPY OF THE CERTIFICATE DTD 2/6/2004 ISSUED BY ASST.DISTRICT
INDUSRIES OFFICER

P2:-TRUE COPY OF THE CONSENT TO OPERATIVE RENEWAL DTD 18/3/2013
ISSUED BY THE KERALA POLLUTION CONTROL BOARD

P3:-TRUE COPY OF THE CERTIFICATE DTD 23/4/2015 ISSUED UNDER KERALA
VALUE ADDED TAX RULES

P4:-TRUE COPY OF THE NO OBJECTION CERTIFICATE DTD 16/4/2015

P5:-TRUE COPY OF THE ROUGH SKETCH OF THE AREA

P6:-TRUE COPY OF OBJECTION DTD 24/4/2015

P7:-TRUE COPOY OF ADDITIONAL OBJECTION DT.14.5.2015

3RD RESPONDENT'S EXHIBITS

R3(A): COPY OF THE APPLICATION SUBMITTED BY RESPONDENTS 4 TO 6
DT.12.3.15.

6TH RESPONDENT'S EXHIBITS

R6(A): COPY OF BASIC TAX RECEIPTS

R6(B): COPY OF BASIC TAX RECEIPTS

R6(C): COPY OF RESIDENTIAL CERTIFICATE ISSUED BY THE PUDUKKAD GRAMA
PANCHAYAT

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

R6(E): PHOTOGRAPH OF THE WELL IN THE PROEPRTY OF R6

R6(F): COPY OF DIRECTIONS GIVEN BY VASTHU EXPERT

R6(G): COPY OF CONSENT ISSUED BY THE KERALA STATE POLLUTION CONTROL
BOARD.

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.

.....
W.P.(C) No.13411 of 2015
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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.P6 and P7 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.P6 and P7 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.P6 objection before the 2nd respondent also. Therefore, there will be a direction to the 2nd respondent also to consider and pass orders on Exts.P6 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