

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 19397 of 2015 (Y)

PETITIONERS :

- 1. SHIHABUDHEEN, AGED 36 YEARS,
S/O. UDUMAN RAVUTHER, CHARUVILA PUTHENVEEDU, NELKKONAM
NADUKKUNNU, PATHANAPURAM, KOLLAM- 689 695.**
- 2. SUNIL K., S/O. KUNJIRAMAN,
NEELIKKONAM MELETHIL, MANCHALLOOR,
PATHANAPURAM, KOLLAM - 689 695.**

BY ADV. SRI.ABDUL JALEEL.A

RESPONDENTS :

- 1. THE DISTRICT OFFICER
OFFICE OF THE DISTRICT OFFICER,
GROUND WATER DEPARTMENT, KOLLAM -3.**
- 2. PATHANAPURAM GRAMA PANCHAYATH,
PATHANAPURAM - 689 695, REPRESENTED BY SECRETARY.**
- 3. THE SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION, PATHANAPURAM - 689 695.**
- 4. SULFI KHADER,
AGED 33 YEARS, S/O. ABDUL KHADER RAWTHER,
PEEDIKAYIL VEEDU, NELLIKKONAM, NADUKKUNNU,
PATHANAPURAM, KOLLAM - 689 695.**

**R1 & R3 R BY GOVERNMENT PLEADER SRI.MANOJ M. KUNJACHAN
R2 BY ADV. SRI.N.UNNIKRISHNAN
R4 BY ADVS. SRI.LIJU. M.P
SRI.JOSEPH SEBASTIAN (KOLLAM)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WP(C).No. 19397 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1:- TRUE COPY OF THE LICENCE/PERMISSION GIVEN BY THE 1ST RESPONDENT.

EXHIBIT-P2:- TRUE COPY OF THE PERMIT GIVEN BY THE 2ND RESPONDENT.

EXHIBIT-P3:- TRUE COPY OF THE JUDGMENT IN W.P(C) 23512/2014 DATED 07/01/2015

EXHIBIT-P4:- TRUE COPY OF THE COMPLAINT DATED 22/06/2015 FILED BEFORE THE 1ST RESPONDENT.

EXHIBIT-P5:- TRUE COPY OF THE MASS PETITION DATED 22/06/2015 FILED BY THE LOCAL PEOPLE BEFORE THE 2ND RESPONDENT.

EXHIBIT-P6:- TRUE COPY OF THE DECISION OF THE 2ND RESPONDENT DATED 25/06/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.19397 of 2015

Dated this the 7th day of December, 2015

JUDGMENT

The petitioners have approached this Court alleging illegal construction of bore well by the party respondent. The party respondent appears before this Court and submits that though he had obtained a licence, that licence has been expired and he will construct a new bore well only after obtaining necessary consent.

This Court is of the view that before granting a permission to the fourth respondent, the petitioners shall be heard by the Panchayath. The fourth respondent can construct the bore well only in accordance with the statutory provisions. The fourth respondent is restrained from constructing the bore well otherwise than without any necessary permit. If the fourth respondent constructs any bore well without permit, necessarily, the first and second respondents shall take appropriate action.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE