

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. 22696 of 2015 (J)

PETITIONER(S):

1. SUMODKUMAR.P.P.S/O LATE PRABHAKARAN NAIR, PRABHANILAYAM, PODIYAD.P.O, THIRUVALLA, PATHANAMTHITTA, PIN-689 110.
2. K.SOMAN NAIR, KARUVELIL HOUSE, KODUMAN.P.O, PATHANAMTHITTA.
3. VIJAYAN.C.S, CHEKOTTU PADINJATHETHIL, ELANTHOOR.P.O., PATHANAMTHITTA.
4. P.MAHADEVAN, HILLVIEW, PERINGAVU, PUTHUCODE.P.O., RAMANTATTUKARA.
5. P.T.THOMAS, PALAKKA MANNIL HOUSE, KUMPALATHAMAN, THEODICAL.P.O., THIRUVALLA.
6. VIKRAMAN NAIR.V.R, VALLIYAVEETIL HOUSE, SEETHATHODU.P.O, PATHANAMTHITTA.
7. KUNJUMON.L, KOCHU CHOORAKATTU HOUSE, CHEPRA.P.O, KOTTARAKKARA.
8. REJI.M, CHARUVILA PUTHAN VEEDU, KIZHAKETHERUVU.P.O, KOTTARAKKARA.
9. VIJAYAN NAIR.N.C, THONIPURATHU HOUSE, KALLOOPARA.P.O, THIRUVALLA.
10. BABY.C.Y, CHARUVILA PUTHAN VEEDU, PANNIYAR COLONY, CHITTAR P.O, PATHANAMTHITTA.
11. RAJU.S, ANJILIVILA KIZHAKKETHIL, KARAVALLLOOR.P.O, PUNALLOOR, KOLLAM.
12. SIVADASA KAIMAL, ARACKAL HOUSE, MANIYAR.P.O, VADDASSERIKKARA, PATHANAMTHITTA.
13. T.G.BIJU KUMAR, KIZHAKUMADATHIL HOUSE, MANIYAR.P.O, VADDASSERIKKARA, PATHANAMTHITTA.
14. R.SUKUMARAN NAIR, SOUMYA BHAVAN, VALAMCHUZHYP.O, PATHANAMTHITTA.
15. V.T.REJU, VALLIKALAYIL HOUSE, EDAKKULAM.P.O, RANNI, PATHANAMTHITTA.

16. P.B.SAJU, PUTHIYATHU HOUSE, KOONAMKARA.P.O, RANNI PATHANAMTHITTA.
17. P.T.ANIL KUMAR, VINOD BHAVAN, VELLIYARA.P.O, THIRUVALLA.
18. MADHU.V, MADHUVILASAM, THALACHIRA.P.O, PATHANAMTHITTA, PEZHUMPARA.P.O, PATHANAMTHITTA.
19. LEIJU.M.S, MOOZHICKAL HOUSE, KOONAMKARA.P.O, PATHANAMTHITTA.
20. BENNY JOY K.J, KALLURATH HOUSE, MALAYALAPUZHA ERAM P.O, PATHANAMTHITTA.
21. OMANA SOMAN, KARAMPARAMBIL HOUSE, MALA ERAM P.O, PATHANAMTHITTA.
22. SUDHA.K, KARAMPARAMBIL HOUSE, MALA ERAM P.O, PATHANAMTHITTA.
23. CHRISTHU RAJ, KALLOTH RIVER VIEW, VADASSERIKKARA P.O, PATHANAMTHITTA.
24. MANOJ.M, KOTTOOR MELETHIL, MADAMAN P.O, VADASSERIKKARA.
25. THOMAS KUTTY.M.C, MULLACKAL HOUSE, KUMPALATHAMAN.P.O, PATHANAMTHITTA.
26. RAJU.K.S, KOONAMMANKAL HOUSE, THALACHIRAP.O, PATHANAMTHITTA.
27. PRASANTH.S, MAMOOTIL HOUSE, KOONAMKARA.P.O, PATHANAMTHITTA.
28. PREMKUMAR.C, PARAKKAL HOUSE, NELLIPADAM P.O, NENMARA, PALAKKAD.
29. RATHEESH.S, RAMYA BHAVAN, THALACHIRA.P.O, PATHANAMTHITTA.
30. MANU JOHN, POIKAYIL HOUSE, VADASSERIKKARA.P.O, PATHANAMTHITTA.
31. ROJI MON P DANIEL, MATTATHU PEACE COTAGE, MANARAKUJANJI P.O, PATHANAMTHITTA.
32. ANIL KUMAR.K.S, KAKKATTU HOUSE, MADAMAN.P.O, PATHANAMTHITTA.
33. SASI KUMAR.P.T, VILAYIL KARTHIKA, KOODAL, PATHANAMTHITTA.
34. ANIL KUMAR.P, RESMI VILASAM, PANAYAMCHERY, ANCHAL P.O, KOLLAM.
35. ANIL.K, CHARUVA MURUPPEL, ANGADICKAL NORTH P.O, PATHANAMTHITTA.
36. KALESH.T, THANKAN THADATHIL, ANGAMUZHY.P.O, PATHANAMTHITTA.
37. ROY.J, ROY SADANAM, MALA ERAM P.O, PATHANAMTHITTA.

38. DHARMA RAJAN.K.M, KOCHUMURUPPEL, PEZHUMPARA.P.O,
PATHANAMTHITTA.
39. JAYAKUMAR.S, ADIMAVUMKAL, THADIYOOR.P.O, PATHANAMTHITTA.
40. USHA.C.S, CHAVARU MURUPPEL, ANGADICKAL NORTH.P.O,
PATHANAMTHITTA.
41. RAMESH KUMAR, KARAMPARAMBIL HOUSE, VADASSERIKKARA P.O,
PATHANAMTHITTA.
42. B.RAMACHANDRAN NAIR, KALANJOOR.P.O, PATHANAMTHITTA.
43. MATHEW.P.V, PUTHEN PARAMBIL, PEZHUMPARA.P.O, PATHANAMTHITTA.
44. AJI KUMAR.S, NELLIVILA PUTHENVEEDU, OTTAKKAL.P.O, KOLLAM.

BY ADVS.SRI.P.HARIDAS
SMT.S.SIKKY
SRI.P.C.SHIJIN

RESPONDENT(S):

1. STATE OF KERALA REPRESENTED BY PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE, GOVERNMENT SECRETRIATE, TRIVANDRUM
PIN-695 001
2. PRINCIPAL SECRETARY TO GOVERNMENT DEPARTMENT OF REVENUE,
GOVERNMENT SECRETRIATE, TRIVANDRUM-695 001.
3. DISTRICT COLLECTOR, PATHANAMTHITTA-689 645.
4. DIRECTOR OF MINING AND GEOLOGY, THIRUVANANTHAPURAM-695 001.
5. GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,
ARANMULA, PATHANAMTHITTA- 689 533.
6. VILLAGE OFFICER, VADASSERIKKARA, PATHANAMTHITTA- 689 662.
7. MESSERS.WIM ROCK GRANITE PVT.LTD.THEKKUMALA,
VADASSERIKKARA.P.O., RANNI, PATHANAMTHITTA REPRESENTED BY ITS
MANAGING DIRECTOR RAJU K.THOMAS, AGED 48, S/O THOMAS.
PIN- 689 662

R BY GOVERNMENT PLEADER SRI.MANOJ.P.KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22696 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P-1 : TRUE COPY OF THE QUARRYING LEASE AGREEMENT DATED
30.11.2007.**

**EXHIBIT P-2 : TRUE COPY OF THE QUARRYING LEASE AGREEMENT EXECUTED
DATED 24.07.2008.**

**EXHIBIT P-3 : TRUE COPY OF THE NO OBJECTION DATED 01.03.2006 REGARDING
GOVERNMENT PROPERTY COMPRISED IN 395/7, 395/1 & 391/8.**

**EXHIBIT P-4 : TRUE COPY OF THE SKETCH PREPARED BY DISTRICT SURVEY
SUPERINTENDENT DDATED 16.07.2007 SHOWING THE AREA OF
OPERATIONS.**

EXHIBIT P-5 : TRUE COPY OF THE ORDER OF 3RD RESPONDENT DATED 20.06.2014

EXHIBIT P-6 : TRUE COPY OF THE CHALAN RECEIPT DATED 03.02.2015.

**EXHIBIT P-7 : TRUE COPY OF THE ORDER OF THE 5TH RESPONDENT DATED
04.04.2015.**

EXHIBIT P-8 : TRUE COPY OF THE CHALAN RECEIPT DATED 29.06.2015.

EXHIBIT P-9 : TRUE COPY OF THE STOP MEMO DATED 18.06.2015.

**EXHIBIT P-10 : TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED
16.06.2015**

**EXHIBIT P-11 : TRUE COPY OF THE CIRCULAR OF THE 4HT RESPONDENT DATED
20.05.2009.**

**EXHIBIT P-12 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONERS BEFORE THIS REVENUE MINISTER.**

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P(C) No.22696 of 2015

Dated this the 27th day of July, 2015

JUDGMENT

The petitioners are aggrieved with Ext.P9 and Ext.P10 order. The petitioners submit that, the petitioners are employees of the 7th respondent and if Ext.P9 and Ext.P10 are upheld, they would be deprived of their livelihood.

2. The 7th respondent has also filed a writ petition before this Court. It is for the 7th respondent to assert the claim for conducting a quarry and not for the employees to come to this Court claiming deprivation of livelihood. The legality or otherwise of the operations carried on by the 7th respondent has to be looked into. No operation can be permitted by the 7th respondent; which is illegal and without proper permissions and sanctions, merely on the ground that such operations provide livelihood to employees engaged therein.

3. In such circumstances, the writ petition

would be dismissed leaving all the contentions of the 7th respondent, open to be agitated in the other writ petitions.

The writ petition is dismissed.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD