

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 23408 of 2015 (A)

PETITIONER(S):

**M/S. ASIATIC EXPORT ENTERPRISES,
KILIKOLLOOR, KOLLAM, REPRESENTED BY
NARAYANI SOBHANA, MANAGING PARTNER.**

**BY ADVS.SRI.HARISANKAR V. MENON,
SMT.MEERA V.MENON.**

RESPONDENT(S):

- 1. THE ASST. COMMISSIONER (ASSESSMENT),
COMMERCIAL TAXES SPECIAL CIRCLE,
KOLLAM-691 001.**
- 2. INTELLIGENCE OFFICER, SQUAD NO.III,
DEPARTMENT OF COMMERCIAL TAXES,
KOLLAM AT KARUNAGAPPALLY-690 518.**
- 3. DEPUTY COMMISSIONER (APPEALS)-I,
DEPARTMENT OF COMMERCIAL TAXES,
KOLLAM-691 001.**

BY SR. GOVT.PLEADER SMT.SOBHA ANNAMMA EAPEN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 23408 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: COPY OF ORDER ISSUED BY THE 2ND RESPONDENT
DATED 10.07.2014.**

**EXHIBIT P2: COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE
3RD RESPONDENT DATED 07.11.2014.**

**EXHIBIT P3: COPY OF ORDER ISSUED BY THE 3RD RESPONDENT
DATED 13.07.2015.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.23408 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

The petitioner is a resident of the Kuttyadi Village, who resides along with his family, near to Jum-ath Mosque which exists within the local limits of Kuttiyadi Grama Panchayath for more than 30 years. The petitioner alleges that there is a cemetery belonging and attached to the property of the Juma-ath Mosque and dead bodies of the locality are being buried in the said cemetery. This was being done for more than so many years. However, recently it is brought to the notice of the petitioner that the said cemetery is being enlarged and now it has reached upto the boundary of residential property of the petitioner. There are other residences also in the vicinity of the cemetery. He further alleges that the people who object to the aforesaid illegal activity had been put to silence due to the influence of the mosque committee. The petitioner further alleges that this Court passed Ext.P3 judgment to consider the

issue by the first respondent, however, the same has not been done. The issue was delegated to sub collector which according to the petitioner is against the spirit of Ext.P3 judgment dated 1.7.2013. Thereafter, petitioner obtained Ext.P7 information where the first respondent stated that the said burial ground is being conducted without licence. The petitioner again submitted Ext.P8 representation on 21.4.2014 along with necessary documents and requested the first respondent (District Collector) to conduct an enquiry on issue. The petitioner apprehends that unless and until there is direction by this Court, the first respondent would deviate from his action as he had already done which is evident from Ext.P5. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner, the learned Senior Government Pleader, the learned standing counsel for the third respondent panchayath and the learned additional fourth respondent in the matter.

As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the first respondent to consider Ext.P8 representation within a time frame, the writ petition is disposed of directing the first respondent to consider and pass orders on Ext.P8, after affording the petitioner and the affected parties including the respondent panchayath and the fourth respondent, an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.