

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 24605 of 2015 (A)

PETITIONERS :

- 1. PUSHPAMMA, AGED 74 YEARS,
D/O.BHARGAVI, SIVAM OLLA, KOONAYI
PARAVOOR, KOLLAM.**
- 2. K.VIJAYAKUMAR, S/O.KARUNAKARAN,
OLLAL, VALIYAVEETIL THEKKATHIL
KOONAYI CHERRY, PARAVOOR, KOLLAM.**

**BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR
CIVIL STATION, KOLLAM 691 013.**
- 2. THE DIRECTOR
GROUND WATER DEPARTMENT, NEW GWD COMPLEX,
AMBALAMUKKU, THIRUVANANTHAPURAM 695 005.**
- 3. THE REVENUE DIVISIONAL OFFICER,
CIVIL STATION, KOLLAM 691 013.**
- 4. THE SECRETARY
PARAVOOR MUNICIPALITY, PARAVOOR, KOLLAM 691 301.**
- 5. THE DISTRICT OFFICER
GROUND WATER DEPARTMENT, HIGH SCHOOL JUNCTION
THEVALLY P.O, KOLLAM 691 013.**
- 6. N.S.SUSHAMAN,
VAZHAVILA, OLLAI, KOONAYI
PARAVOOR, KOLLAM 691 301.**

**R1 TO R5 BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR
R6 BY ADV. SRI.J.HARIKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: COPY OF THE ORDER PASSED BY THE DISTRICT COLLECTOR
(IN CHARGE) DATED 27.6.15.
- EXHIBIT P2: COPY OF THE OS 704/15 ON THE FILE OF MUNSIFF COURT, KOLLAM.
- EXHIBIT P3: COPY OF THE JUDGMENT IN WPC 22271/15 DATED 30.7.15.
- EXHIBIT P4: COPY OF THE REPRESENTATION FILED BY THE IST PETITIONER
BEFORE THE 2ND RESPONDENT DATED 10.8.15.
- EXHIBIT P5: COPY OF THE LETTER NO.GKT/1868/2015 ISSUED BY THE R5 AND
READABLE COPY.
- EXHIBIT P6: COPY OF THE APPEAL MEMORANDUM FILED BEFORE THE R2
DT 13/8/2015. (IA NO. 13369/2015)
- EXHIBIT P6: COPY OF THE COMMUNICATION ISSUED BY THE R5 TO THE
PETITIONER DT 11/8/2015.

RESPONDENT(S)' EXHIBITS :

- EXT.R3(A): COPY OF ORDER NO.GKT-207/15 DT 6/2/2015 OF THE R5.
- EXT.R3(B): COPY OF THE LETTER DT 5/8/2015 ADDRESSED TO THE R5.
- EXT.R3(C): COPY OF THE APPLICATION DT 9/9/2015 BEFORE THE STATE PUBLIC
INFORMATION OFFICER, GROUND WATER DEPARTMENT, KOLLAM.
- EXT.R3(D): COPY OF THE LETTER NO. G.K.T./2008/15 DT 8/10/2015 OF THE R5.

//TRUE COPY//

P.S. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.24605/2015**

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Dated this the 15th Day of December, 2015

J U D G M E N T

The petitioner has approached this Court for the following reliefs:

- “i. To issue a writ of mandamus or any other order commanding the second respondent to stop the digging of the tube well conducted by the sixth respondent without the supervision of the Ground Water Department.
- ii. To issue a writ of mandamus or any other order commanding the respondents 1 to 5 to initiate legal proceedings against the fifth respondent, who had violated the Exhibit P1 and P3 orders.
- iiii. To issue such orders as this Hon’ble Court may deem fit in the facts and circumstances of the case.”

2. Now it is admitted by the learned counsel for the petitioner that the tube well has been constructed with the permission granted by the District Collector, Municipality as well as the Ground Water Department.

W.P.(C).No.24605/2015

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3. The learned counsel for the sixth respondent also admit that they have constructed tube well based on the Police protection ordered by this Court in the judgment in W.P(C).No.22271/2015 dated 30/07/2015, produced as Ext.P3.

4. This Court is of the view that if at all there is any violation, it is open for the petitioner to bring it to the notice of the Ground Water Department, which will consider the same in accordance with law

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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