

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 28420 of 2012 (B)

PETITIONER :

**SAJEEV.R.,
S/O RAVEENDRAN, AGED 46 YEARS,BUSINESS,
KUZHICHALIL HOUSE,
KULASEGHARAMANGALOM P.O., VAIKOM TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
KOTTAYAM DISTRICT, PIN:686 664.**
- 2. THE DISTRICT COLLECTOR,
KOTTAYAM, PIN:686 664.**
- 3. THE THAHASILDAR,
VAIKOM TALUK, KOTTAYAM, PIN:686 141.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.28420/2012

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SALE NOTICE ISSUED BY THE 3RD RESPONDENT IN MALAYALAM WITHOUT DATE**
- P2 COPY OF THE SALE NOTICE ISSUED BY THE 3RD RESPONDENT IN ENGLISH WITHOUT DATE**
- P3 COPY OF THE INFORMATION ISSUED BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT DATED 24/4/2012 UNDER RIGHT TO INFORMATION ACT.**
- P4 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 28420 of 2012

Dated this the 16th October, 2015

JUDGMENT

The petitioner was given permission to mine ordinary sand from the property comprised in Sy.No.127/2A, 2B. The petitioner removed ordinary sand. However, the petitioner did not fill the pit caused after removal of sand. The petitioner submits that only a portion remains to fill and he has substantially filled the pit formed after the extraction.

2. The learned Government Pleader submits that on failure to fill the pit by the petitioner, revenue recovery proceedings are initiated to recover the amount to be required to fill the pit. The petitioner challenging the revenue recovery proceedings has approached this Court.

3. Petitioner submits that he has prepared to fill the pit and it is only on account of the obstruction caused by the neighbouring owners, he is unable to fill the pit.

4. This Court is of the view that filling up of pit is not a mere dispute between the petitioner and the department. It is for the petitioner to safeguard the interest of the public. Therefore, at any cost, the pit shall be filled. The petitioner shall approach the District Geologist on 2.11.2015, and if there is any objection from any person, the Geologist is free to seek Police assistance from the Police Station having jurisdiction and the Geologist shall ensure that the pit is filled by the petitioner without any delay, at any rate, before 30.11.2015. If the pit is filled by the petitioner, the Geologist shall pass appropriate orders to drop the revenue recovery proceedings and to revoke the order to recover the amount.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**