

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015 / 3RD ASWINA, 1937

WP(C).No.28584 of 2012 (W)

PETITIONER :

VARKEY GEORGE,
NADUPARAMBIL, MARADI P.O., MUVATTUPUZHA.

BY ADV. SRI.M.S.UNNIKRISHNAN

RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA – 686 601.
2. THE VILLAGE OFFICER,
MARADI, PIN-686 661.
3. MARADI GRAMA PANCHAYAT,
REPRESENTED BY SECRETARY, MARADI – 686 661.
4. STATION HOUSE OFFICER,
MUVATTUPUZHA POLICE STATION, MUVATTUPUZHA. 686 601.
5. VARKEY PAULOSE,
KARIMKUTTI PURATH HOUSE, EAST MARADI,
MUVATTUPUZHA 686 661.
6. ANIL K.K.
KALAPPARAKKAL HOUSE, EAST MARADI, MUVATTUPUZHA – 686 661.

Addl.7. K.P.BENNY,
AGED 44 YEARS, S/O.KURIAKOSE,
RESIDING AT PARAPLACKAL HOUSE,
EAST MARADY KARA AND POST, MUVATTUPUZHA TALUK,
PINCOE- 686663, ERNAKULAM DISTRICT.

Addl.8. MARY GEORGE,
RESIDING AT PARAPLACKAL HOUSE, EAST MARADY KARA AND POST,
MUVATTUPUZHA TALUK, PINCODE – 686663,
ERNAKULAM DISTRICT.

Addl.9. M.S.VELAYUDHAN,
RESIDING AT MALEPARAMBIL HOUSE, EAST MARADY.P.O.,
MUVATTUPUZHA TALUK, PINCODE- 686663,
ERNAKULAM DISTRICT.

WP(C).No.28584 of 2012 (W)

Addl.10. JOSHY VARGHESE
PARAPLACKAL HOUSE, EAST MARADY KARA AND POST,
MUVATTUPUZHA TALUK, PINCOE -686663,
ERNAKULAM DISTRICT.

(ADDL. R7 TO R10 IMPEADED AS PER ORDER DATED 12/12/2012 IN IA.No.16440/2012.)

ADDL 7-R10 BY ADV. SRI.PEEYUS A.KOTTAM
R3 BY SC- SRI.JIBU P.THOMAS
R3 BY ADV. SRI.K.RAJESH KANNAN
BY GOVERNMENT PLEADER SRI.R.RANJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1 – PHOTOCOPY OF THE SALE DEED NO.10772 OF 1977 OF SRO, MUVATTUPUZHA.

EXHIBIT-P2 – PHOTOCOPY OF THE SALE DEED NO.3373 OF 2003 OF SRO, MUVATTUPUZHA.

EXHIBIT-P3 – PHOTOCOPY OF THE SALE DEED NO.2306 OF 2006 OF SRO, MUVATTUPUZHA.

EXHIBIT-P4 – PHOTOCOPY OF THE LICENSE ISSUED BY THE 3RD RESPONDENT.

EXHIBIT-P5 – PHOTOCOPY OF THE PHOTOGRAPHS SHOWING THE LIE AND NATURE OF THE PIG FARM.

EXHIBIT-P6 – PHOTOCOPY OF THE RECEIPT ISSUED FROM THE 3RD RESPONDENT.

EXHIBIT-P7 – PHOTOCOPY OF THE NOC DATED 15-11-2012 ISSUED BY THE MEDICAL OFFICER, COMMUNITY HEALTH CENTRE, PANDIPPILLY.

EXHIBIT-P8 – PHOTOCOPY OF THE NOTICE DATED 27-11-2012 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER'S SON.

EXHIBIT-P9 – PHOTOCOPY OF THE NEWS REPORT APPEARED ON 28-11-2012 IN MALAYALA MANORAMA DAILY.

RESPONDENTS' EXHIBITS :-

EXT.R3(a) COPY OF THE DECISION NO.372 DTD.25.9.2012 OF THE PANCHAYAT.

EXT.R3(b) COPY OF THE NOTICE DTD.29.9.2012.

EXT.R7(a) COPY OF STOP MEMO No.349/12 DTD.26.11.2012 ISSUED BY THE VILLAGE OFFICER, MARADY TO THE 1ST RESPONDENT.

EXT.R7(b) COPY OF MASS PETITION DTD.26.11.2012 FILED BY THE PETITIONERS AND OTHERS BEFORE THE REVENUE DIVISIONAL OFFICER, MUVATTUPUZHA.

EXT.R7(c) COPY OF INFORMATION DTD.4.12.2012 OBTAINED BY PETITIONERS UNDER RIGHT TO INFORMATION ACT 2005 FROM MARADY GRAMA PANCHAYAT.

EXT.R7(d) COPY OF REPORT PUBLISHED IN MADHYAMAM DAILY DTD.28.11.2012 PERTAINING TO THE ILLEGAL CONDUCT OF DIARY FARM BY THE 1ST RESPONDENT.

EXT.R7(e) COPY OF REPORT DTD.28.11.2012 PUBLISHED IN MALAYALA MANORAMA PERTAINING TO THE ILLEGAL CONDUCT OF PIG FARM BY THE 1ST RESPONDENT.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.28584 of 2012

Dated this the 25th day of September, 2015

JUDGMENT

The petitioner, who was running a pig farm on the strength of a licence issued by the 3rd respondent Grama Panchayat, has filed this Writ Petition seeking a writ of certiorari to quash Ext.P8 order issued by the Village Officer, the 2nd respondent, insofar as it affects the conduct of pig farm situated in Building No.3/154B (old) of Maradi Grama Panchayat, functioning in accordance with the licence issued by the said Grama Panchayat.

2. When the case was taken up for consideration on 23.9.2015, both sides sought time to get instructions as to the present status of the dispute. Today when the case was taken up for further consideration the learned counsel for the petitioner would submit that he has no instruction as to whether the petitioner is conducting the pig farm at present. On the other hand the learned Standing Counsel for the 3rd respondent Grama Panchayat on instructions would submit that, based on a stop memo issued by the Panchayat bearing No.C3 987/13 dated 31.1.2013 the Panchayat

refused to renew the licence and as such the pig farm in question is not functioning.

In such circumstances, recording the aforesaid submission made by the learned Standing Counsel for the 3rd respondent Grama Panchayat, this Writ Petition is closed.

Sd/-

ANIL K.NARENDRAN, JUDGE

skj