

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 26339 of 2015 (N)

PETITIONER :

**V.N. PAVITHRAN, AGED 52 YEARS,
MANAGING DIRECTOR, M/S. A.A.K FIBRES (P) LIMITED,
INDUSTRIAL DEVELOPMENT AREA, ANGAMALY SOUTH P.O.,
ERNAKULAM-683 573.**

**BY ADVS.SRI.ABRAHAM VAKKANAL (SR.)
SRI.PAUL ABRAHAM VAKKANAL
SRI.DIJO SEBASTIAN
SMT.VINEETHA SUSAN THOMAS**

RESPONDENTS :

**1. THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE,
KUNNUPURAM ROAD, KAKKANAD
COCHIN - 682 030.**

**2. THE DIRECTOR OF INDUSTRIES & COMMERCE,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 033.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE ORDER OF ALLOTMENT OF LAND
DATED 14/3/1995.
- EXT.P1(A): TRUE COPY OF THE CERTIFICATE OF PURCHASE DATED 23/1/1996.
- EXT.P2: TRUE COPY OF THE LETTER GIVEN TO R1 DATED 11/4/2012.
- EXT.P3: TRUE COPY OF THE ORDER OF R2 DATED 18/4/2012.
- EXT.P4: TRUE COPY OF THE LETTER ISSUED BY R1 DATED 21/4/2012.
- EXT.P5: TRUE COPY OF THE NOTICE ISSUED BY THE R1 DATED 24/11/2014.
- EXT.P6: TRUE COPY OF THE LETTER TO R1 BY PETITIONER DATED 2/12/2014.
- EXT.P7: TRUE COPY OF THE NOTICE ISSUED BY THE R1 DATED 9/12/2014.
- EXT.P8: TRUE COPY OF THE AGREEMENT BETWEEN PETITIONER'S COMPANY
AND M/S.ACELLER STEELS (P) LTD. DATED 4/2/2015.
- EXT.P9: TRUE COPY OF THE CHALAN 57 F (3) DATED 21/3/2015.
- EXT.P9(A): TRUE COPY OF THE CHALAN 57 F (3) DATED 24/3/2015
- EXT.P9(B): TRUE COPY OF THE CHALAN 57 F (3) DATED 26/3/2015
- EXT.P9(C): TRUE COPY OF THE CHALAN 57 F (3) DATED 28/3/2015
- EXT.P9(D): TRUE COPY OF THE CHALAN 57 F (3) DATED 30//3/2015
- EXT.P10: TRUE COPY OF LETTER FROM PETITIONER TO R1 DATED 26/3/2015.
- EXT.P11: TRUE COPY OF THE CHALAN 57 F (3) DATED 9/4/2015
- EXT.P11(A): TRUE COPY OF THE CHALAN 57 F (3) DATED 11/8/2015
- EXT.P12: TRUE COPY OF THE ORDER ISSUED BY R1 GIVEN TO THE
PETITIONER'S STAFF ON 19/8/2015 DATED 24/4/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

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P.A. TO JUDGE

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 26339 of 2015

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Dated this the 17th day of September, 2015

J U D G M E N T

The petitioner aggrieved by Ext.P12 order of the first respondent to resume the plot in the Industrial area has approached this Court,

2. It is seen from the impugned order that the petitioner has not started functioning or operating the unit and therefore it has been found as a violation of the allotment.

3. The petitioner case is that they have commenced functioning of the unit. The petitioner also relied on Exts.P9, P10 and P11.

4. This court is of the view that the petitioner shall make available all necessary records to show that industrial unit started functioning. This shall be done within two weeks from the date of receipt of the copy of this judgment. If the petitioner is able to point out that the unit has started functioning, and the first respondent shall revoke Ext.P12 order. However the petitioner is

unable to satisfy the first respondent regarding the functioning of the unit, the first respondent is free to implement the order. Appropriate order shall be passed by the first respondent based on the materials placed by the petitioner within three weeks. For a period of one month status quo shall be maintained.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE