

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 29913 of 2013 (L)

PETITIONER(S):

**MARY JACKULIN, D/O.LILLY,
RESIDING AT PALAVILA PADINJATATHIL, KUMBALAM P.O.
MULAVANA, KOLLAM DISTRICT.**

**BY ADVS.SRI.O.V.MANIPRASAD
SRI.SAJU J PANICKER**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, KOLLAM - 691 001.**
- 2. THE REVENUE DIVISIONAL OFFICER, KOLLAM - 691 001.**
- 3. THE VILLAGE OFFICER,
MULAVANA VILLAGE, MULAVANA, KUNDARA
KOLLAM - 691 018.**
- 4. THE GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, KOLLAM - 691 001.**
- 5. ANILKUMAR,
JOHNSON SADANAM, KANJIRACODE, KUNDARA P.O.
KOLLAM - 691 501.**

**R1-4 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R5 BY ADVS. SRI.BINU GEORGE
SMT.HEMALATHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 29913 of 2013 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: THE TRUE COPY OF THE COMPLAINT DATED 22/10/2013 FILED
BEFORE THE 2ND RESPONDENT BY THE PETITIONER**

**EXT.P2: THE TRUE COPY OF THE COMPLAINT DATED 24/10/2013 FILED
BEFORE THE 1ST RESPONDENT.**

**EXT.P3: THE TRUE COPY OF THE INJUNCTION ORDER PASSED BY THE 3RD
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.29913 OF 2013
.....

Dated this the 17th March, 2015

J U D G M E N T

The petitioner is stated as aggrieved of unauthorised mining activity being pursued by the 5th respondent/Anil Kumar without any regard to the rule of law. The prayers are in the following terms:

"i) issue a writ of mandamus, order or direction to the 3rd respondent to implement Ext.P3 order passed in Ext.P1 complaint;

ii) issue a writ of mandamus order or direction to the 2nd respondent to conduct an enquiry on Ext.P1 complaint within a time frame fixed by this Hon'ble Court.

iii) issue a writ of mandamus order or direction to the 2nd respondent to see that 3rd respondent shall conduct an enquiry on Ext.P1 complaint at the earliest.

iv) issue a writ of mandamus, order or direction to the respondents 1 to 3 to take urgent and immediate action against the illegal mining activities conducted by the 5th respondent in Sy.No.222/7 of Block No.9 of Mulavana Village Office;

v) issue such other orders as are deemed fit and proper in the circumstances of the case. "

2. The learned Counsel for the petitioner submits that pursuant to Ext.P1 complaint preferred before the second respondent/RDO, the matter was directed to be enquired into and the third respondent/Village Officer submitted Ext.P3 report dated 26.10.2013 . It was accordingly that a stop memo was issued by the Village Officer intercepting the activities being pursued by the 5th respondent/Anilkumar. But without any regard to the same, the 5th respondent is still pursuing the activities and hence the writ petition.

3. Heard both the sides. Urgent notice on admission was ordered on 05.12.2013 and service is complete. No counter affidavit has been filed from the part of the 5th respondent so far. In the said circumstance, there will be a direction to the second respondent/RDO to finalise the proceedings forming the subject matter of Exts.P1 and P3, after affording an opportunity of hearing to the petitioner and the 5th respondent, in accordance with law, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment. No further excavation shall be pursued by the 5th respondent till the proceedings are finalised by the 2nd respondent/RDO as aforesaid.

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The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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