

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 31388 of 2015 (W)

PETITIONER(S):

**GEORGE K.P., AGED 58 YEARS,
S/O. POULOSE, KUDILINGAL HOUSE,
VARADOOR POST, MEENANGADI,
SULTHAN BATHERY, WAYANAD DISTRICT-673 591.**

BY ADV. SRI.A.V.JAMES.

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY DIRECTOR, MINING AND GEOLOGY,
DIRECTORATE, KESAVADASAPURAM, PATTOM,
THIRUVANANTHAPURAM-695 004.**
- 2. THE DISTRICT COLLECTOR,
WAYANAD DISTRICT, COLLECTORATE,
KALPETTA, WAYANAD DISTRICT-673 121.**
- 3. THE SUB COLLECTOR,
MANANTHAVADY, MANANTHAVADY POST,
WAYANAD DISTRICT-670 645.**
- 4. THE SENIOR GEOLOGIST,
MINING AND GEOLOGY, DISTRICT OFFICE,
CIVIL STATION, KALPETTA, WAYANAD-673 121.**
- 5. THE VILLAGE OFFICER,
KANIYAMPATTA VILLAGE OFFICE,
KANIYAMPATTA POST, WAYANAD DISTRICT-673 124.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : COPY OF THE ORDER OF THE 3RD RESPONDENT GIVEN TO THE PETITIONER.
- P2 : COPY OF THE PASS DATED 05.10.2015 GIVEN TO THE PETITIONER BY THE 4TH RESPONDENT.
- P3 : COPY OF THE STOP MEMO DATED 29.09.2015 GIVEN TO THE PETITIONER BY THE 5TH RESPONDENT.
- P4 : COPY OF THE CIRCULAR DATED 09.08.2015 OF THE 1ST RESPONDENT.
- P5 : COPY OF THE REPORT DATED 24.08.2015 OF THE 5TH RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.31388/2015**  
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Dated this the 27th Day of October, 2015

J U D G M E N T

The petitioner has been granted permission as per Exhibit P1 to construct a fish pond in 10 cents of land with certain conditions. He has also been issued with permit to transport the earth removed from the site proposed for the pond. Exhibit P2 is the said permit. The petitioner has approached this Court aggrieved by Exhibit P3 stop memo issued by the Tahsildar. It is stated in Exhibit P3 that the petitioner is removing minor minerals from the pond.

2. This Court is of the view that Exhibit P3 is unsustainable in as much as the petitioner has been granted permission as per Exhibit P2 to transport sand. It is seen from Exhibit P1 that the petitioner shall deposit earth removed on the side of the pond itself. It is apparent that it is on account of transporting earth, Exhibit P3 stop memo has been issued. Though, a condition has been prescribed that it shall not be transported, in view of the fact that the geologist has issued necessary permit, the petitioner shall be permitted to transport earth removed from the pond. However, the petitioner shall strictly follow the other conditions in Exhibit

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P1. If the petitioner violates or is not using the site as fish pond, necessary action shall be taken by the officials to fill the pond or restore it to the same position, at the risk and cost of the petitioner. In view of the above, Exhibit P3 stop memo is set aside subject to the above conditions.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

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