

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C) .No. 33068 of 2015 (G)

PETITIONER(S) :

A.V.AFSATH, AGED 55 YEARS,
D/O. NABEESU, RESIDING AT KAITHAKAD, CHERUVATHUR,
KASARAGOD DISTRICT.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH

RESPONDENT(S) :

1. THE REGIONAL DIVISIONAL OFFICER, KASARAGOD
AT KANJANGAD-688 121.
2. THE DISTRICT COLLECTOR,
KASARAGOD - 688 001.
3. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
TRIVANDRUM- 695 001.

BY GOVERNMENT PLEADER SRI. V.K. RAFEEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C) .No. 33068 of 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE PROCEEDINGS OF THE 1ST
RESPONDENT DATED 11.8.2014.

EXHIBIT-P2-TRUE COPY OF THE APPEAL FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 08/10/2015.

EXHIBIT-P3-TRUE COPY OF THE NOTICE OF THE 1ST RESPONDENT
DATED 10/08/2015.

EXHIBIT-P4-TRUE COPY OF THE FOR STAY DATED 15/09/2015.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No. 33068 of 2015-G

Dated this the 4th day of November, 2015

JUDGMENT

The petitioner is the owner of the landed property having an extent of 81 ½ cents in Re-Sy. No.568 of Cheruvathur Village, Hosdurg Taluk. The 1st respondent has issued Ext.P1 order alleging that the petitioner herein had excavated red earth illegally from her property with a dimension of 8m x 20m x 25m and 16m x 20m x 25m and, accordingly, imposed royalty and fine for a total amount of ₹4,82,000/-. The grievance of the petitioner is that Ext.P2 appeal filed by the petitioner with Ext.P4 petition to stay the proceedings is pending consideration and in the meanwhile, the 1st respondent issued Ext.P3 notice

requiring the petitioner to pay the amount of ₹4,82,000/- within a period of 15 days from 10/8/2015, the date of the order. Thus, the 1st respondent has taken hasty steps to execute Ext.P1 order during the pendency of the appeal.

2. Having regard to the grievance projected in this writ petition, I find that it was incumbent upon the 1st respondent to dispose of Exts.P3 appeal or Ext.P4 application at the earliest.

3. With the above view, the 2nd respondent is directed to dispose of Ext.P2 appeal within a period of two months from today and all further proceedings pursuant to Ext.P3 notice shall be kept in abeyance till the disposal of Ext.P2 appeal.

This writ petition is disposed of as above.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge