

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 35307 of 2014 (K)

PETITIONERS :

- 1. SUBASH A.D., AGED 37 YEARS,
S/O.DASAN, ATTAPURAM HOUSE,
VAIKOM P.O.NADUVILLA VILLAGE, KOTTAYAM.**
- 2. WILSON MATHEW, AGED 42 YEARS,
S/O.MATHEW, PANDARAMALIYIL, PUNNATHURA P.O.
KOTTAYAM.**

BY ADV. SRI.K.G.ANIL BABU

RESPONDENTS :

- 1. THE DISTRICT EXPERT COMMITTEE, MINING & GEOLOGY DEPARTMENT,
CONSTITUTED UNDER THE KERALA PROTECTION OF RIVER BANKS
AND REGULATION OF REMOVAL OF SAND ACT
2001, REP. BY GEOLOGIST/CONVENOR, KOTTAYAM - 686 001.**
- 2. THE DISTRICT COLLECTOR,
KOTTAYAM - 686 002.**
- 3. THE DISTRICT GEOLOGIST,
KOTTAYAM - 686 002.**

BY GOVERNMENT PLEADER SRI. GEORGE JOSEPH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE PETITIONERS ALONG WITH THE WIFE OF THE 2ND PETITIONER DATED 28.5.2014.
- EXT.P-2: THE TRUE COPY OF THE CONSENT AGREEMENT DATED 28.5.2014 ALONG WITH THE WIFE OF THE 2ND PETITIONER.
- EXT.P-3: THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT DATED 18.8.2014.
- EXT.P-4: THE TRUE COPY OF THE LETTER FROM THE TAHSILDAR, KOTTAYAM TO THE DISTRICT COLLECTOR, KOTTAYAM DATED 7.11.2014 OBTAINED UNDER THE RIGHT TO INFORMATION ACT.
- EXT.P-5: THE TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DATED 9.12.2014
- EXT.P-6: THE TRUE COPY OF THE G.O(MS) NO.132/14/ID DATED 22.9.2014

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.
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Dated this the 7th day of January, 2015

JUDGMENT

Petitioners have approached this Court with the following prayer:

(i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to consider Exhibit P3 application and grant the No Objection Certificate alongwith the recommendation for the issuance of quarrying permit for excavating dry sand from the properties in Sy.Nos.115/11 and 115/12 of Ayarkkunnam Village, Kottayam Taluk as expeditiously as possible at any rate within a time limit to be fixed by this Hon'ble Court.

2. The learned Government Pleader submits that the matter has to be ascertained as to whether the quarrying permit for excavating the sand is in respect of the river sand or not. In response to the same, the learned counsel for the petitioners submits that the petitioners do not seek for any relief in the contention with the river sand and that actual position is discernible from the contents of Ext.P4 issued by the concerned

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Tahsildar addressing the District Collector/ 2nd respondent.

3. After hearing both the sides, this Court does not find any necessary to go into the merits of the case. The writ petition is disposed of directing the 2nd respondent to take further steps and to finalise the proceedings in respect of Ext.P3, in accordance with law after affording an opportunity of hearing to the petitioners and other affected parties, if any. It shall be done at the earliest at any rate within six weeks from the date of receipt of a copy of this judgment. The petitioners shall produce a copy of this judgment alongwith a copy of this writ petition to the concerned respondent.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE