

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 35422 of 2014 (C)

PETITIONER(S):

- 1. C.A.SHAJI AGED 51 YEARS
S/O.K.C.ABRAHAM, CONTRACTOR, CHERUVULLIL HOUSE
THOPPIL-KATTETHU ROAD, THIRUVANKULAM P.O.
ERNAKULAM DISTRICT, PIN-682305.**
- 2. MUHAMMED AGED 68 YEARS
S/O.ASSAINAR, 250, ANTHRAMOOCHICKAL HOUSE
CHALISSERY GRAMA PANCHAYAT, OTTAPPALAM TALUK
PALAKKAD DISTRICT, PIN-679536.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF AGRICULTURE, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. DIRECTOR
ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY
PALLIMUKKU, PETTAH P.O., THIRUVANANTHAPURAM-695024.**
- 3. KERALA LAND DEVELOPMENT CORPORATION LIMITED
THRISSUR, PIN-680020
REPRESENTED BY ITS CONSTRUCTION ENGINEER.**
- 4. REVENUE DIVISIONAL OFFICER
OTTAPPALAM, PALAKKAD DISTRICT, PIN-679101.**
- 5. GEOLOGIST
MINING AND GEOLOGY DEPARTMENT
TOWN BUS STAND COMPLEX, PALAKKAD, PIN-678001.**
- 6. VILLAGE OFFICER
CHALISSERY VILLAGE, CHALISSERY P.O., PATTAMBI VIA
PALAKKAD DISTRICT, PIN-679536.**

**R3 BY ADV. SRI.A.ABDULKHARIM, SC, KERALA LAND DEVP.CORPN. LTD.
R BY GOVERNMENT PLEADER
R BY SRI.A.ABDULKHARIM, SC, KERALA LAND DEVP.CORPN. LTD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-04-2015, ALONG WITH W.P.(C)NOS.34524/2014 & 35477/2014, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE AGREEMENT NO.37/CE/2013-14 DATED.15-11-2013 EXECUTED BETWEEN THE 1ST PETITIONER AND 3RD RESPONDENT.

EXT.P2 : TRUE COPY OF THE DESCRIPTION OF WORKS INVOLVED IN EXT.P1 AGREEMENT.

EXT.P3 : TRUE COPY OF THE SCHEDULE 'A' ATTACHED TO EXT.P1 AGREEMENT.

EXT.P4 : TRUE COPIES OF THE RELEVANT PAGES OF THE ACCOUNT OF WORK EXECUTED BY THE 1ST PETITIONER, MAINTAINED AT THE OFFICE OF THE 3RD RESPONDENT PERTAINING TO THE PROGRESS OF THE WORK AND THE PAYMENTS DISBURSED TO THE 1ST PETITIONER.

EXT.P5 : TRUE COPY OF THE AGREEMENT DATED.27-9-2014 EXECUTED BETWEEN THE PETITIONERS.

EXT.P6 : TRUE COPY OF THE PROCEEDING DATED.19-8-14 OF THE 3RD RESPONDENT.

EXT.P7 : TRUE COPY OF THE APPLICATION DATED.29-9-14 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT, FOR GETTING THE ENVIRONMENTAL CLEARANCE FOR REMOVING 6000 M3 OF ORIGINAL SOIL.

EXT.P8 : TRUE COPY OF THE PROCEEDING NO.G 6946/14 DATED.29-10-14 OF THE 4TH RESPONDENT.

EXT.P9 : ORIGINAL PHOTOGRAPH OF THE PROPERTY OF THE 2ND PETITIONER, FROM WHERE HE PROPOSES TO COLLECT THE ORIGINAL SOIL FOR THE PURPOSE OF EXECUTING THE BALANCE WORK INVOLVED IN EXT.P1 AGREEMENT.

EXT.P10 : ORIGINAL PHOTOGRAPH EVIDENCING THE WORK IN PROGRESS INVOLVED IN EXT.P1 AGREEMENT.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PATO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P(C). Nos. 34524, 35422 & 35477 of 2014

Dated this the 10th day of January, 2015

J U D G M E N T

The issues involved in these cases are similar. Hence they are dealt with together. The prayers raised in WP(C) No.34524 of 2014 are in the following terms:

- i. issue a writ of certiorari or any other appropriate writ, order or direction quashing Ext.P10 proceedings of the 3rd respondent.*
- ii. issue a writ of mandamus or any other appropriate writ, order or direction commanding the 5th respondent to issue 'P' Form/required pass for the collection and transportation of 5000 M3 of ordinary soil from the property of the 2nd petitioner to the site involved in Ext.P1 agreement, forthwith;*
- iii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to consider and dispose of Ext.P7 application, forthwith;*
- iv. issue such other writ, order or direction which may deem fit in the facts and circumstances of the case."*

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief sought for, this Court does not find it necessary to go into the merits of the case. After hearing both the sides, these writ petitions are

disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P7, in accordance with law, after hearing, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of the judgment along with a copy of the concerned writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Pn