

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 37974 of 2015 (V)

PETITIONER :

**ALEX ABRAHAM, SON OF ABRAHAM,AGED 78 YEARS,
RESIDING AT MANGALASSERIL,KAKKOOR DESOM,
KAKKOOR VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZRAJ

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANADU,
PIN -682 030.**
- 2. THE REVENUE DIVISIONAL OFFICER (RDO),
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN- 682 001.**
- 3. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, PIRAVOM, ERNAKULAM DISTRICT,
PIN -686 662.**
- 4. THE VILLAGE OFFICER,
PIRAVOM VILLAGE, ERNAKULAM DISTRICT, PIN- 686 662.**
- 5. THE DISTRICT GEOLOGIST,
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANADU,
PIN- 682 030.**
- 6. THE DISTRICT POLICE CHIEF,
ERNAKULAM (RURAL), ALUVA, PIN- 685 203.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 37974 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE TAX RECEIPT DATED 6.1.2015 ISSUED BY THE VILLAGE OFFICER, PIRAVOM VILLAGE.
- P2- TRUE COPY OF THE FORWARDING LETER ISSUED FROM THE OFFICE OF THE FIRST RESPONDENT TO THE THIRD RESPONDENT DATED 28.9.2013
- P3- REPLY TO EXHIBIT P2 COMMUNICATION DATED 17.10.2013 SUBMITTED BY THE THIRD RESPONDENT TO THE FIRST RESPONDENT
- P4- TRUE COPY OF THE REPORT SUBMITTED BY THE FOURTH RESPONDENT VILLAGE OFFICER, PIRAVOM DATED 6.6.2013 TO THE THIRD RESPONDENT
- P5- TRUE COPY OF THE FORWARDING LETTER ISSUED BY THE SECOND RESPONDENT TO THE FIRST RESPONDENT DATED 7.7.2013 REGARDING THE SUBJECT MATTER
- P6- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 24.2.2014

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37974 of 2015

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Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner approached this Court seeking a direction to the District Collector to consider his application to permit him to fill the pit formed due to excavation of clay.

2. This Court is of the view that the petitioner shall approach the Geologist and if the Geologist satisfies that the pit was formed on account of excavation necessarily, permission shall be granted to the petitioner to fill the pit. Needful shall be done within three weeks from the date of receipt of the copy of this judgment after conducting site inspection. If the petitioner is granted permission by the Geologist it is made clear that the revenue officials or the police officials shall not interfere with filling up the pit by the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

