

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN**

TUESDAY, THE 29TH APRIL 2008 / 9TH VAISAKHA 1930

WA.No. 956 of 2008()

**AGAINST THE JUDGEMENT/ORDER IN WPC.13320/2008 Dated
22/04/2008**
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APPELLANT: PETITIONER

**P.DAMODARAN, AGED 63 YEARS,
S/O.RAGHAVAN, KESAVASADANAM,
THANNITHODE P.O., KONNI, PATHANAMTHITTA.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS/RESPONDENTS:

- 1. THE VILLAGE OFFICER,
THANNITHODE, PATHANAMTHITTA.**
- 2. THE TAHASILDAR,
KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.**
- 3. THE ADDITIONAL DISTRICT MAGISTRATE,
PATHANAMTHITTA.**
- 4. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.**
- 5. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, PATHANAMTHITTA AT ADOOR.**
- 6. SMT.PREETHA S.KUMAR,
W/O.SUBHASH KUMAR,
SUBHASH BHAWAN, THANNITHODE P.O.,
PATHANAMTHITTA.**

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 29/04/2008,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PIUS C. KURIAKOSE & S. SIRI JAGAN, JJ.

W.A. No.956 OF 2008

Dated this the 29th day of April, 2008

JUDGMENT

S. SIRI JAGAN,J

The appellant is aggrieved by judgment of the learned Single Judge in W.P.(C)No.13320/08, wherein the learned Judge directed the Tahsildar to take a final decision on Ext.P6. The appellant has a licence for extraction of granite. The same has been directed to be stopped by the concerned Village Officer by issuing Ext.P5. Against that, the appellant has filed Ext.P6 representation, which has been directed to be disposed of. One of the contentions raised by the appellant is that since the 2nd respondent is not likely to take a decision independently, he won't get justice from him.

2. We have considered the arguments in detail. Now that a stop memo has been issued namely, Ext.P5, the concerned Revenue Divisional Officer has to take a final decision in the matter, after hearing the appellant also. Therefore, we dispose of this writ appeal with a direction to the concerned Revenue

Divisional Officer to take a final decision on Ext.P5 after affording an opportunity of being heard to the appellant, within a period of one month from the date of receipt of a copy of this judgment. The appellant would be free to approach the 5th respondent for extension of the period of permit and the 5th respondent shall, while disposing of the same, consider the fact that because of Ext.P5 the appellant has not given the full advantage of his permit.

The writ appeal is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

S. SIRI JAGAN, JUDGE

Acd

