

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 31ST DAY OF MAY 2013/10TH JYAISHTA 1935

WP(C).No. 13800 of 2013 (Y)

PETITIONER(S):

- 1. BENNY RAPHEL, AGED 42 YEARS,
S/O.RAPHEL, VENNATTUPARAMBIL, VARANTHARAPPILLY,
THRISSUR DISTRICT.**
- 2. SAJIU, AGED 43 YEARS,
PUTHUPPARA, KIDANGOOR KARA, ALUVA TALUK.**

BY ADV. SRI.K.I.SAGEER IBRAHIM

RESPONDENTS:

- 1. DISTRICT COLLECTOR,
THRISSUR DISTRICT COLLECTORATE, THRISSUR - 680 001.**
- 2. ADDITIONAL DISTRICT MAGISTRATE, THRISSUR - 680 001.**
- 3. VILLAGE OFFICER,
VILLAGE OFFICE, AMBALLOOR , THRISSUR DISTRICT - 680 711.**
- 4. SENIOR GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE,
MINI CIVIL STATION, CHEMBUKAVU, THRISSUR - 680 711.**
- 5. STATE OF KERALA,
REP.BY ITS PRINCIPAL SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

R1 TO R5 BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-05-2013, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Kss

WP(C).No. 13800 of 2013 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1:-A TRUE COPY FOTHE SALE DEED NO. 2714/2007 OF S R O NELLAI
DTD 26/4/2007 IN RESPECT OF THE IST PETITIONER.

EXT.P2:-A TRUE COPY OF THE SALE DEED NO. 2713/2007 OF S R O NELLAI
DTD 26/4/2007 IN RESPECT OF THE 2ND PETITIOENR.

EXT.P3:-A TRUE COPY OF THE LAND TAX RECEIPTS DTD 5/9/2012 OF EXT P1
PROPERTY.

EXT.P4:-A TRUE COPY OF THE LAND TAX RECEIPTS DTD 5/9/2012 OF EXT P2
PROPERTY.

EXT.P5:-A TRUE COPY OF THE BUILDING PERMIT NO. A4/217/10-11 DTD.
9/11/2010 ISSUED BY THE ALAGAPPANAGAR PANCHAYATH TO THE IST
PETITIONER.

EXT.P6:-A TRUE COPY OF THE BUILDING PERMIT NO A4/216/10-11 DTD 9/11/2010
ISSUED BY THE ALAGAPPANAGAR PANCHAYATH TO THE 2ND PETITIONER.

EXT.P7:-A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE IST
PETITIOENR BEFORE THE IST RESPONDENT WITH COPIES TO RESPONDENT
NO 3 AND 4.

EXT P8:-A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND
PETITIONER BEFOR THE IST RESPONDENT WITH COPIES TO RESPONDENTS
NO 3 AND 4.

RESPONDENT(S)' EXHIBITS:

N I L

/TRUE COPY/

PA.TO JUDGE

Kss

P.R.RAMACHANDRA MENON, J.

W.P.(c) No. 13800 OF 2013

Dated this the 31st day of May, 2013

JUDGMENT

The petitioners have approached this Court with the following prayers :

“ a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to grant permission to the petitioners to remove sand from their properties covered by Exts.P1 and P2 so as to cover it for construction.

b) Issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to consider Ext.P7 and P8 and pass orders thereon within the time limit fixed by this Hon'ble Court and after affording an opportunity of hearing to the petitioners.

c) Issue such other appropriate writs, orders or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

2. The learned counsel for the petitioners submits that, the

only relief sought for is to cause Ext.P7 and P8 representations submitted by the petitioners to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the issue on merits. The writ petition is disposed of, directing the first respondent to consider Exts.P7 and P8 and pass appropriate orders, in accordance with law, after giving an opportunity of hearing to the petitioner, 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 along with a copy of the writ petition before the first respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

SV.

P.R.RAMACHANDRA MENON
JUDGE

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