

Sunil Vs. State of Kerala

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Court : Kerala

Decided On : Dec-18-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Sunil

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON WEDNESDAY, THE 18TH DAY OF DECEMBER 2013 27TH AGRAHAYANA, 1935 WP(C).No. 31470 of 2013 (G) ----- PETITIONER(S): ----- SUNIL AGED 35 YEARS S/O.SOMAN, THACHADIVADAKATHIL, PUTHIYAKAVU MURI MAVELIKKARA. BY ADVS.SRI.R.SUNIL KUMAR SMT.A.SALINI LAL RESPONDENT(S): ----- 1. STATE OF KERALA REP. BY SECRETARY OF INDUSTRIES, SECRETARIAT THIRUVANANTHAPURAM. 689001 2. DISTRICT COLLECTOR COLLECTORATE, ALAPPUZHA. 688001 3. REVENUE DIVISIONAL OFFICER REVENUE DIVISIONAL OFFICE, CHENGANNUR. 689121 4. THE DIRECTOR SECRETARIAT OF SEAC & SEIAA, PALLIMUKKU, PETTA.P.O. THIRUVANANTHAPURAM. 689001 BY GOVERNMENT PLEADER SMT. K.T. LILLY. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18-12-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 31470 of 2013 (G) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXT.P1 - COPY OF THE TAX

RECEIPT. EXT.P2 - COPY OF THE LETTER DATED 72.2013 ISSUED BY THE PWD, ASST.ENGINEER ROAD SECTION, HARIPPAD. EXT.P3 - COPY OF THE APPLICATION BEFORE THE 3D RESPONDENT DATED 15.1.13. EXT.P4 - COPY OF THE REPORT AS WELL AS MAHAZAR OF VILLAGE OFFICER DATED 34.1.13. EXT.P5 - COPY OF THE REPORT TO THE 3D RESPONDENT DATED 22.4.13. EXT.P6 - COPY OF THE REPORT TO THE 1ST RESPONDENT BY THE 2D RESPONDENT DATED 23.5.13. EXT.P7 - COPY OF THE LETTER ISSUED BY THE DIRECTOR OF SEIAA DATED 24.10.13. EXT.P8 - COPY OF THE G.O(M.S)NO.144/2012/ID DATED 11.12.12. RESPONDENT(S)' EXHIBITS: NIL ----- TRUE COPY P.A TO JUDGE. KP P.R. RAMACHANDRA MENON, J.

===== W.P.(C). No. 31470 of 2013
----- Dated this the 18th day of December, 2013

JUDGMENT

The petitioner has approached this Court with the following prayers: "i. To issue a writ of mandamus or any other appropriate writ, direction or order directing the 2nd respondent be directed to consider and dispose exhibit P3 application on the light of Ext.P8. ii. Issue a writ of mandamus or any other appropriate writ, direction or order directing the 2nd respondent to extend the time limit for excavation of red earth from petitioner's property." 2. When the matter is taken up for consideration, the learned counsel for the petitioner submits that the grievance of the petitioner has also been projected by way of Ext.P3 representation which is pending consideration before the second respondent and that the petitioner will be satisfied, if a direction is given to the said respondent to consider and dispose of the same in the light of Ext.P8 which stands in support of the petitioner, within a reasonable time.

3. Heard the learned Government Pleader appearing for the respondents. W.P.C. No. 31470 of 2013 -2- 4. Considering the limited nature of relief sought for, this Court does not find it necessary to go into the merits of the case. In the said circumstance, the writ petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext.P3 in accordance with law, also in

the light of Ext.P8 G.O and other relevant orders, if any, after giving an opportunity of hearing to the petitioner and other interested parties, if any, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for further steps. P.R. RAMACHANDRA MENON, JUDGE. kp/-

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