

Haridas Vs. Revenue Divisional Officer, Adoor Revenue Division

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Court : Kerala

Decided On : Jan-23-2014

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

Appellant : Haridas

Respondent : Revenue Divisional Officer, Adoor Revenue Division

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON THURSDAY, THE 23D DAY OF JANUARY 2014 3RD MAGHA, 1935 WP(C).No. 23045 of 2013 (E) ----- PETITIONER(S): ----- HARIDAS, PRIYA BHAVAN, KALANJOOR VILLAGE, ADOOR TALUK, PATHANAMTHITTA DISTRICT. BY ADV. SRI.P.SREEKUMAR RESPONDENT(S): ----- 1. REVENUE DIVISIONAL OFFICER, ADOOR REVENUE DIVISION, ADOOR-688 755.

2. THE TAHASIDAR, ADOOR TALUK, ADOOR.P.O.-688755.

3. THE VILLAGE OFFICER, KALANJOOR VILLAGE, ADOOR TALUK, KALANJOOR.P.O PATHANAMTHITTA DISTRICT-695 716.

4. THE GEOLOGIST, MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE, PATHANAMTHITTA, MINI CIVIL STATION, ARANMULA.P.O.-695 716.

5. ANIL KUMAR, KALICKAL PUTHENVEETTI, KALANJOOR.P.O., ADOOR. R5 BY ADV. SRI.NIDHI BALACHANDRAN R5 BY ADV. SRI.SABU GEORGE BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 2301-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: rvs/ WP(C).No. 23045 of 2013 (E) APPENDIX PETITIONER(S)' EXHIBITS : -----
EXT. P1. A TRUE COPY OF THE APPLICATION DATED 237-2012 SUBMITTED BEFORE THE 1ST RESPONDENT. EXT. P2. A TRUE COPY OF THE MAHASSAR PREPARED BY THE 3RD RESPONDENT ON 112-12. EXT. P3. A TRUE COPY OF THE REPORT DATED 2712-2012 SUBMITTED BY THE 3RD RESPONDENT. EXT. P4. A TRUE COPY OF THE REPORT DATED 223-2013 SUBMITTED BY THE 2ND RESPONDENT. EXT. P5. A TRUE COPY OF THE

ORDER

DATED 294-2013 ISSUED BY THE 1ST RESPONDENT. EXT. P6. A TRUE COPY OF THE LETTER DATED 56-2013 ISSUED BY THE 5^H RESPONDENT TO THE PETITIONER. EXT. P7. A TRUE COPY OF THE AFFIDAVIT DATED 66-2013 SUBMITTED BY THE PETITIONER. EXT. P8. A TRUE COPY OF THE COMMUNICATION DATED 136-2013 ISSUED BY THE 5^H RESPONDENT. RESPONDENT(S)' EXHIBITS: ----- NIL. /true copy/ P.A.TO JUDGE rvs/ P.R.RAMACHANDRA MENON, J.

----- W.P.(C) NO. 23045 of 2013 (E)
----- Dated this the 23rd day of January, 2014

JUDGMENT

The petitioner has approached this Court with the following prayers : i. Issue a writ of mandamus or any other writ or order directing the 4th respondent to issue necessary permission to remove the soil from the petitioner's property as sought for in Ext.P1 request and found eligible in Ext.P6 communication. ii. Issue a writ of mandamus or any other writ or order directing the 4th respondent to consider the petitioner's request without insisting for the consent of the neighbours, within a time frame to be fixed by this Hon'ble court in the greater interest of justice. And iii. Issue any other writ or order as is deemed fit by this Hon'ble court in the greater

interest of justice. 2.Despite the completion of service of urgent notice on admission to the 5th respondent, no affidavit or statement has been filed by the said respondent. 3.Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the 1st to 4th respondents as well. W.P.(C) NO. 23045 of 2013 (E) 2 2.In view of the limited extent of relief sought for, this Court does not find it necessary to deal with the merits of the case. The 4th respondent is directed to finalise the proceedings forming the subject matter of Ext.P1 in the light of Ext.P6 and such other relevant materials, after giving an opportunity of hearing to the petitioner and also to the 5th respondent. Appropriate orders shall be passed at the earliest, at any rate, within a period of 'six weeks' 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 4th respondent for further steps. The writ petition is disposed of. sd/- P.R.RAMACHANDRA MENON, JUDGE AMV

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