

Devarajan vs the Secretary

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/204/2018

Appellant : Devarajan

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 WP(C)
NO. 204 OF 2018 PETITIONER/S: DEVARAJAN AGED 45 YEARS,
S/O.KUNJAPPAN, PARAPPURATHU,KANGARAPPADY, VADAKODE
P.O., ERNAKULAM DISTRICT, PIN - 682021. BY ADVS.
RESPONDENTS:

1 THE SECRETARY EDATHALA GRAMA PANCHAYATH, EDATHALA
P.O., ERNAKULAM DISTRICT, PIN - 683561. 2 THE DISTRICT
COLLECTOR COLLECTORATE, KAKKANAD, ERNAKULAM
DISTRICT-682030. 3 THE TAHASILDAR KANAYANNOOR TALUK,

ERNAKULAM DISTRICT. 4 THE REVENUE DIVISIONAL OFFICER FORT KOCHI, ERNAKULAM DISTRICT - 682030. 5 THE VILLAGE OFFICER ERNAKULAM DISTRICT - 682030. 6 SENIOR GEOLOGIST MINING AND GEOLOGY DEPARTMENT, CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT - 682030. 7 SMITHA W/O.SINOJ, KANIYATHU HOUSE, KANGARAPPADY, VADAKODE P.O., THRIKKAKARA NORTH VILLAGE, ERNAKULAM DISTRICT, PIN 682021. SRI.B.S.SYAMANTAK, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C).No.204 of 2018
----- Dated this the 31st day of May, 2024

JUDGMENT

This writ petition is filed with following prayers:

i. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 1st respondent to take necessary action to stop the running of the soil mining conducting by the 7th respondent and strictly implement Exhibit P3. ii. To call for the records and reports from the 6th respondent on Exhibit P1, P2 and P3 and further direct the 6th respondent to stop the illegal functioning of soil mining. iii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 5 to take action on the basis of the Exhibit P3. iv. Issue such other order or direction as this Hon'ble Court may deem fit to grant in the facts and circumstances of the case. (SIC)

2. The counsel who filed this writ petition submitted

that he relinquished vakkalath. There is no appearance for the petitioner. When this writ petition came up for consideration on 04.01.2018, this Court passed the following

order:

Admit. Govt. Pleader takes notice for respondents 2 to 6. Issue notice by speed post to respondents 1 and 7. Post after three weeks for the counter affidavit of the respondents. In the meanwhile, the 6th respondent shall implement Ext.P3 stop memo if the same is not otherwise cancelled or modified.

3. This writ petition is listed in the defect list because

service to respondents 1 and 7 is not complete. In such circumstances, this writ petition need not be retained here. If there is any surviving grievance to the petitioner, he can approach the the competent authority among the respondents with appropriate representation and if such a representation is received, the competent authority will do the needful, with notice to the petitioner, 7th respondent and other affected parties, if any. With the above observation, this writ petition is closed. sd/- P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF WP(C) 204/2018 PETITIONER EXHIBITS

EXHIBIT-P1: THE TRUE COPY OF THE COMPLAINT BEFORE

BY THE 6TH RESPONDENT ON 11.12.2017 EXHIBIT-P4: THE TRUE COPY OF THE PHOTOGRAPHS.

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