
(2023) 03 KL CK 0267

High Court Of Kerala

Case No: Writ Petition (C) No. 7426 Of 2023

Moushmi Jithin

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: March 27, 2023

Citation: (2023) 03 KL CK 0267

Hon'ble Judges: Shaji P. Chaly, J

Bench: Single Bench

Advocate: T.Ancy, Reshmi K.M

Final Decision: Disposed Of

Judgement

1. This writ petition is filed by the petitioner, seeking the following reliefs:-

i) To issue a Writ of mandamus or any other appropriate writ or order or direction directing the 2nd respondent to allow the petitioner to remove the

vessel namely Priya Marins, Registration No.KIV/KDR/PV/0632/18 from Mangalam site to Meenkara Dam site for the de-siltation work to be carried out by the

4th respondent;

ii) To dispense with filing of the translation of vernacular documents;

iii) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case.

2. Petitioner is the owner of the passenger-Towing Motor Boat with registration No.KIV/KDR/PB/0632/18, which is registered with the Port

Directorate, Government of Kerala and the registration has taken place at Kodungalloor in the year 2018. The petitioner had entered into an

agreement with the 3rd respondent-Company for hiring the vessel for de-siltation work of Mangalam Dam site, entrusted with the 3rd respondent-

Company. However, the 3rd respondent Company was directed to stop the said work. Thereafter, the 3rd respondent-Company had issued Ext.P3,

No Objection Certificate to the Executive Engineer, Mangalam Dam, Palakkad, stating that that it has no objection to allow the petitioner to remove

the vessel from the dam site. It seems that the petitioner had entered into an agreement with the 4th respondent-Company for hiring the vessel for de-

siltation work at Meenkara Dam. The grievance highlighted by the petitioner is that the respondents are not permitting to remove the vessel from the

Mangalam Dam site to Meenkara Dam site.

3. Today, when the matter is taken up for consideration, learned Government Pleader submitted that if an affidavit is filed by the petitioner, permission

can be granted to remove the boat in question, which is agreeable to the petitioner. It is also submitted that already an affidavit is submitted before the

2nd respondent, the Superintending Engineer, Siruvani Project Circle, Chunnambuthara, Irrigation Department, Palakkad district.

4. In view of the submissions recorded as aforesaid, the writ petition will stand disposed of, directing the 2nd respondent to permit the petitioner to

remove the boat in question to Meenkara Dam site, without any delay.