

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

RP.No. 1165 of 2015 (J)

AGAINST THE JUDGMENT IN WP(C).NO.29496/2015 DATED 11-11-2015.
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REVIEW PETITIONER/5TH RESPONDENT:

**SULAIMAN, POOLONKUNNATH HOUSE,
MALAVAYAL, THOVARIMALA P.O.,
SULTHAN BATHERI - 673 592.**

BY ADV. SRI.M.ABDUL RASHEED

RESPONDENTS/PETITIONER & RESPONDENTS 1 TO 4 & 6:

- 1. P.N. LEELA, AGED 65 YEARS,
W/O. LATE RAJAPPAN, VATTATHOTTIYIL HOUSE,
NENMENIKUNNU P.O., WAYANAD DISTRICT.**
- 2. GEOLOGIST, DISTRICT OFFICE,
MINING AND GEOLOGY DEPARTMENT,
MEENANGADI, WAYANAD DISTRICT - 673 591.**
- 3. THE DISTRICT COLLECTOR, COLLECTORATE,
KELPETTA, WAYANAD DISTRICT - 673 121.**
- 4. THE TAHSILDAR,
TALUK OFFICE, SULTHAN BATHERY,
WAYANAD DISTRICT - 673 121.**
- 5. THE VILLAGE OFFICER,
VILLAGE OFFICE, NOOLPUZHA VILLAGE,
WAYANAD DISTRICT - 673 592.**
- 6. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT - 695 001.**

**R1 BY ADV. SRI.KRISHNA PRASAD. S.
R2 TO R6 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RPNo. 1165 of 2015 (J)

APPENDIX

PETITIONER'S ANNEXURES:- **NIL.**

RESPONDENT'S ANNEXURES:-

**ANNEXURE R1A COPY OF THE ORDER PASSED BY THE GEOLOGIST,
WAYANAD DISTRICT DATED 02/12/2015.**

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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Review Petition No.1165/2015 in
W.P(C)No.29496 of 2015

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Dated this the 14th day of December, 2015

ORDER

Review has come up at the instance of the 5th respondent, auctioneer of minor minerals which were removed admittedly from the land belongs to the writ petitioner. In fact, this Court disposed of the writ petition directing the Geologist to determine the royalty and release the sand to the writ petitioner.

2. Review petitioner, in fact, did not appear before this Court in spite of service of notice. He has not stated any reasons for his nonappearance. It is to be noted, Geologist subsequently passed an order imposing penalty and the petitioner has paid the amount.

3. In that view of the matter, this Court is of the view that since Geologist has passed statutory orders, review petitioner cannot seek any benefit based on the auction. Therefore, review petition is dismissed as there is no ground to review the impugned judgment. However, it is made clear that, any deposit made by the review petitioner shall be returned to him within ten days from the date of receipt of a copy of this order.

Review petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE