

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WA.No. 1268 of 2015 IN WP(C).15274/2015

AGAINST THE JUDGMENT IN WP(C) 15274/2015 DATED 01-06-2015

APPELLANT/PETITIONER :

C.A.MANI,
KINATTUMOOTIL HOUSE,
KOTTAYAM - 1.

BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA

RESPONDENTS :

1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR, KOTTAYAM - 686 002.
3. THE GEOLOGIST, MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, CIVIL STATION,
KOTTAYAM - 686 002.

BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.A.No. 1268 of 2015

Dated this the 18th June, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the appellant and the learned Special Government Pleader.

2. This appeal has been filed against the judgment dated 1.6.2015 in W.P(C).No.15274 of 2015 by which judgment, the Writ Petition filed by the appellant was dismissed. The appellant had filed the Writ Petition against the order dated 16.5.2015 of the Geologist by which the application filed by the petitioner was rejected citing Rule 14(2) of the Kerala Minor Mineral Concession Rules, 2015 on the ground that the plinth area of the building is more than 300 sq. mt.

3. Learned counsel for the appellant submits that application can be made under Rule 20 and Rule 14(2) was not applicable in the present case.

4. Be that as it may, we do not find any error in the judgment of the learned Single Judge dismissing the Writ Petition. We, however, observe that it shall be open for the appellant to make a fresh application in accordance with law.

With the above observation, the Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs18/6/15