

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No.2213 of 2015 (B)

PETITIONER:

**RAJUKUTTAN NAIR,S/O.SIVARAMAKURUP,
AGED 51 YEARS,RAJ BHAVANUM,
CHERYANADU KIZHAKKUM MURI,CHERIYANANDU VILLAGE,
CHENGANNUR TALUK,ALAPUZHA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,ALAPPUZHA,
ALAPPUZHA DISTRICT-688001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR,ALAPPUZHA DISTRICT-689121.**
- 3. THE THAHASILDAR,TALUK OFFICE,CHENGANNUR TALUK,
ALAPPUZHA DISTRICT-689121.**
- 4. THE VILLAGE OFFICDER,CHERYANANDU VILLAGE,
CHENGANNUR TALUK,ALAPPUZHA DISTRICT-689121.**
- 5. THE SECRETARY,CHERYANADU GRAMA PANCHAYATH,
CHENGANNUR TALUK,ALAPPUZHA DISTRICT-689121.**
- 6. THE SENIOR GEOLOGIST,DEPARTMENT OF MINING AND GEOLOGY,
ALAPPUZHA DISTRICT.**

R1-R6 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.2213 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:THE TRUE COPY OF THE PERMIT NO.A.710/2014 DATED 7.2.2014
ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P2:THE TRUE COPY OF THE ORDER NO.D.O.A/3313/MM/2014
DATED 19.12.2014 ISSUED BY THE 6TH RESPONDENT.**

**EXHIBIT P3:THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 6THE RESPONDENT ON 1.1.2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.2213 OF 2015
.....

Dated this the 30th January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of certiorari or other appropriate writ direction or order or direction to quashing Exts.P2 orders

ii) issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 6th respondent not to initiate any further proceedings pursuant to Exhibit P2 against the petitioner

iii) Grant such other reliefs to the petitioner, as this Hon'ble Court may deem fit, in the interest of justice of the Kerala Minor Mineral Concession Rule."

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief proposed to be given, this Court does not find it necessary to issue notice to the 5th respondent /Secretary, Cheryanadu Grama Panchayath. After hearing both the sides and after going through the materials on record, this Court finds that an opportunity has to be given to the petitioner, if at all the steps proposed in Ext.P2

are to be proceeded with.

4. In the said circumstance, the sixth respondent/Senior Geologist is directed to treat Ext.P2 as a notice and the explanation submitted by the petitioner by way of Ext.P3 shall be treated as reply in response to Ext.P2 and pass appropriate orders, after affording an opportunity of hearing to the petitioner at the earliest, at any rate, within one month from the date of receipt of a copy of the judgment.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 6th respondent/Senior Geologist for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k