

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 5162 of 2015 (U)

PETITIONER :

**THANKACHAN M.S.,
S/O.SEBASTIAN, MATHALIKUNNEL HOUSE,
KOOMBARA BAZAAR P.O., KODARANJI,
KOZHIKKODE DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENT(S):

- 1. THE DIRECTOR OF MINING AND GEOLOGY,
THE DIRECTORATE OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, KOZHIKKODE, PIN-673 001.**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE COPY OF THE ENVIRONMENTAL CLEARANCE ISSUED TO THE GRANITE QUARRY OF THE PETITIONER DATED 05-12-2014.
- EXT P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 21-01-2015.
- EXT P3 : TRUE COPY OF THE CHALAN SHOWING THE REMITTANCE OF APPLICATION FEE BY THE PETITIONER DATED 21-01-2015.
- EXT P4 : TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KOODARANJI, DATED 08-01-2015.
- EXT P5 : TRUE COPY OF THE CONSENT LETTER ISSUED BY THE SECRETARY, KOODARANJI GRAMA PANCHAYATH DATED, 09-02-2015.
- EXT P6 : TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE PETITIONER DATED 23-12-2014.
- EXT P7 : TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE PETITIONER DATED 23-12-2014.
- EXT P8 : TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE PETITIONER DATED 23-12-2014.
- EXT P9 : TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE PETITIONER DATED 23-12-2014.
- EXT P10 : TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER, KOODARANJI DATED, 08-01-2015.
- EXT P11 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KOODARANJI DATED, 08-01-2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5162 of 2015

Dated this the 19th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 2nd respondent to forward the application for the grant of quarrying lease submitted by the petitioner along with the connected documents to the first respondent, forthwith;*
- ii) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 1st respondent to take a decision regarding the grant of quarrying lease to the petitioner in respect of his properties comprised in Survey No.2442 of the Koodaranji Village as applied by him by Exhibit P2 application, forthwith, without any further delay;*
- iii) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."*

2. Learned counsel for the petitioner submits that, the petitioner is the owner of the land having an extent of 3.38 hectores comprised in Sy.No.2442 of Koodaranji Village. In connection with running of the quarry, the petitioner has already obtained Ext.P1 Environmental Clearance on 05.12.2014.

Petitioner made Ext.P2 application dated 21.01.2015, for granting quarrying lease. The prayer is to cause the same to be forwarded by the 2nd respondent with necessary remarks to the 1st respondent, who is the competent authority.

3. Heard the learned Government Pleader as well.

4. In the above circumstances, there will be a direction to the 2nd respondent to forward Ext.P2 along with the remarks to the 1st respondent, at the earliest, at any rate, within 'three weeks' from the date of receipt of a copy of this judgment. On receipt of the proceedings as above, the matter shall be considered and appropriate orders shall be passed, in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate within 'one month' thereafter.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.