

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. 5226 of 2015 (C)

PETITIONER :

**SHIHABUDHEEN,
S/O.ISMAILKUNJU, AGED 52 YEARS,
SHAKTHI NIVAS, THEVALAKARA.P.O., THEVALAKKARA VILLAGE,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOLLAM DISTRICT-673 574.**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695 001**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**

R1 TO R3 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:**

sts

WP(C).NO.5226/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE LICENCE ISSUED BY THE THEVALAKKAR GRAMA PANCHAYATH
DATED 7/1/2015 TO THE PETITIONER.**
- P2 COPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT DATED
24/06/2014 IN WRIT APPEAL NO.166 OF 2014.**
- P3 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED
28/1/2015 BEFORE THE FIRST RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 5226 of 2015

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Dated, this the 19th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"i. Issue a writ of mandamus or other appropriate writ, direction or directing the first respondent to issue dealers license to the petitioner by incorporating the word weathered sand within brackets after the word ordinary earth as the name of minor mineral and make such an entry in all the P forms on the strength of direction of division bench of this honourable court in exhibit P2 interim order since the weathered rock and weathered rock sand is a minor mineral as declared by this Honourable Court in Mahdavi and Company Vs. State Police Chief reported in 2014 (1) KLT Page 167 within a reasonable period which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.

2. Issue such other writ or orders or directions, which this honourable court may deem fit and proper in the interest of justice and circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner will be satisfied, if a direction is given to the first respondent to consider and pass appropriate orders on Ext. P3 application preferred by the petitioner within a reasonable time

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The Writ Petition is disposed of, directing the the first respondent to consider and pass appropriate orders on Ext. P3 application submitted by the petitioner, after giving an opportunity of hearing, at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd