

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 6334 of 2015 (N)

PETITIONER :

**THANEESH KUMAR T.T.,
AGED 42 YEARS, S/O.THANAKACHAN,
PUTHUVAL PUTHEN VEEDU,
KOZHUVALLOOR P.O, MULAKKAZHA
CHENGANNUR.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S) :

- 1. THE SENIOR GEOLOGIST,
DISTRICT MINING AND GEOLOGY DEPARTMENT,
CHERTHALA – 688 521.**
- 2. THE DISTRICT COLLECTOR,
ALAPPUZHA-695 001.**
- 3. THE SOUTHERN RAILWAY,
REPRESENTED BY THE DIVISIONAL MANAGER,
PALAKKAD-678 001.**

**R1 & R2 BY SR. GOVT. PLEADER SRI. K.C. VINCENT
R3 BY ADV. SRI.C.S.DIAS, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 6334 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: COPY OF THE WORK ORDER GIVEN TO POONAM GRAHA NIRMAN BY
3RD RESPONDENT.**

**EXT.P2: COPY OF THE WORK ORDER GIVEN BY POONAM GRAHA NIRMAN TO
PETITIONER.**

**EXT.P3: COPY OF THE POSSESSION CERTIFICATE ISSUED FROM THE
MULAKKAZHA VILLAGE OFFICE STATING THAT VIJAYAN NAIR IS IN
POSSESSION OF THE PROPERTY.**

**EXT.P4: COPY OF THE AGREEMENT ENTERED IN TO BETWEEN VIJAYAN NAIR
AND PETITIONER.**

EXT.P5: COPY OF THE APPLICATION BEFORE THE 1ST 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. 6334 of 2015

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Dated, this the 10th day of April, 2015

JUDGMENT

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 1st respondent to issue mining permit 40.40 ares of property in re-sy No. 331/11 of Mulakkazha village of Chengannur taluk and P form to the to the petitioner without insisting for NOC from Environmental Impact Assessment Authority.

(ii) Issue a writ of mandamus or any other appropriate writs, orders or directions, commanding the 1st respondent to consider and dispose of Ext. P5 within 1 month.

(iii) To grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioner, the learned Government Pleader and the learned standing counsel appearing for the third respondent.

3. It is brought to the notice of this Court that verdict passed by a Single Judge of this Court in W.P.(C) No. 29439 of 2014, in favour of the persons like the petitioner enabling them to excavate and transport ordinary earth and minor mineral without NOC/Environmental Clearance, but for satisfying other requirements as per the Mines and Mineral (Development and Regulation) Act, 1957 and the Kerala Minor Mineral Concession Rules, 1967 has already been intercepted by a Division Bench of this Court and that the said verdict stands set aside vide judgment dated 10.04.2015 in W.A. No. 235 of 2015.

4. In the said circumstances, nothing further survives to be considered. Interference is declined and writ petition is dismissed in terms of the judgment in W.A. No. 235 of 2015.

sd/

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

kmd