

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).NO. 7709 OF 2015 (K)

PETITIONER(S):

**VIJAYAN. R., SON OF RAGHAVAN,
AGED 56 YEARS, RESIDING AT 'LAKSHMI',
MILMA ROAD, KALLEPPULLY,
PALAKKAD TALUK AND DISTRICT.**

**BY ADVS.SRI.JACOB SEBASTIAN,
SMT.SHAMSEERA. C.ASHRAF,
SRI.T.U.SUJITH KUMAR,
SMT.ANU JACOB.**

RESPONDENT(S):

- 1. THE GEOLOGIST,
DISTRICT OFFICE OF THE DEPARTMENT OF
MINING AND GEOLOGY, PALAKKAD- 678 001.**
- 2. THE DISTRICT COLLECTOR,
PALAKKAD- 678 001.**
- 3. THE AGRICULTURAL OFFICER,
KRISHIBHAVAN, MARUTHARODE, PALAKKAD- 678 007.**
- 4. THE VILLAGE OFFICER,
MARUTHARODE VILLAGE, MARUTHARODE,
PALAKKAD DISTRICT- 678 007.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1 A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED IN THE NAME OF K.R. SATHEENDRAN.

EXHIBIT P1A A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED IN THE NAME OF K.R. SOMASUNDARAN.

EXHIBIT P1B A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED IN THE NAME OF K.R. RAMADAS.

EXHIBIT P2 A TRUE COPY OF THE CERTIFICATE DATED JANUARY 18, 2013 ISSUED BY THE FOURTH RESPONDENT.

EXHIBIT P3 A TRUE COPY OF THE LETTER OF CONSENT DATED JANUARY 10, 2013.

EXHIBIT P4 A TRUE COPY OF THE APPLICATION DATED JANUARY 21, 2013 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 7709 of 2015

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Dated, this the 11th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) To issue writ in the nature of mandamus commanding respondents 1 and 2 to forward exhibit P4 application to the third respondent to obtain his views and no objection certificate on the matter;

(ii) Issue a writ in the nature of mandamus commanding the first respondent to consider Exhibit P4 application adverting to the proviso to Rule 5 (5) of the Minor Mineral Concession Rules, 1967 after inspection the pond if necessary; and

(iii) Such other relief that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case

2. The learned counsel for the submits that the petitioner with intent to deepen the pond situated in the property concerned, for making use of the same for agricultural operation, submitted Ext. P4 application before the first respondent. It is stated that the matter can be considered by the first respondent, subject to the report to be given by the 3rd respondent after conducting a spot inspection.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to go into the merits of the case. There will be a direction to the first respondent to forward Ext. P4 application stated as preferred by the petitioner to the 3rd respondent forthwith, calling for a report, if it is still to be done. The 3rd respondent shall conduct a spot inspection with notice to the petitioner and other interested parties, if any, and submit remarks within one month. On receipt of the proceedings as above, the first respondent shall consider and finalize the proceedings forming subject matter of Ext. P4, in accordance with law, as expeditiously as possible, at any rate within one month thereafter.

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

The Writ Petition is disposed of.

Sd/-

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

kmd