

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 8025 of 2014 (C)

PETITIONER:

**ABDUL SATHAR
S/O.AHAMEDKUTTY,
SRAMBIKKAL HOUSE
KIZHUPARAMBA P.O.,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.AVM.SALAHUDIN
SMT.A.D.DIVYA**

RESPONDENTS:

- 1. THE GEOLOGIST
DISTRICT OFFICE OF THE DEPT. OF MINING AND GEOLOGY,
MALAPPURAM DT.676 505.**
- 2. THE AGRICULTURE ASSISTANT DIRECTOR
MANJERI,
MALAPPURAM DISTRICT 676 121.**
- 3. THE PRESIDENT
KIZHUPARAMBA GRAMA PANCHAYATH
KIZHUPARAMBA P.O.,
MALAPPURAM DISTRICT PIN - 673 639.**
- 4. THE DISTRICT COLLECTOR
MALAPPURAM 676 505.**

**R1, R2 & R4 BY GOVERNMENT PLEADER SRI. P.P.PADMALAYAN
R3 BY ADV. SRI.K.DILIP**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE TRUE COPY OF THE APPLICATION DATED 15.1.2014 MADE BY THE PETITIONER BEFORE THE FIRST RESPONDENT FOR QUARRYING PERMIT TO EXTRACT CLAY.**
- EXT.P-1(A): TRUE COPY OF THE CERTIFICATE DATED 1.1.2014 ISSUED BY THE VILLAGE OFFICER KIZHUPARAMBA SHOWING THAT THE PROPERTY OF THE PETITIONER IS NOT BEING USED FOR ANY OTHER PURPOSE**
- EXT.P-1(B): TRUE COPY OF THE PAN CARD ISSUED FROM THE INCOME TAX DEPARTMENT**
- EXT.P-1(C): TRUE COPY OF THE POSSESSION CERTIFICATE DATED 18.12.2013 ISSUED BY THE VILLAGE OFFICER KIZHUPARAMBA**
- EXT.P-1(D): TRUE COPY OF THE CHALAN FOR PAYMENT OF FEE PRESCRIBED DATED 15.1.2014 FOR GRANTING QUARRYING PERMIT.**
- EXT.P-1(E): TRUE COPY OF THE SURVEY PLAN OF THE AREA ATTESTED BY THE OFFICER CONCERNED**
- EXT.P-2: THE TRUE COPY OF LETTER DATED 15.1.2014 SENT BY THE 1ST RESPONDENT TO RESPONDENT NOS.2 AND 3 CALLING FOR THEIR REPORTS IN THE MATTER**
- EXT.P-3: TRUE COPY OF THE LETTER DATED 20.1.2014 ADDRESSED TO THE 1ST RESPONDENT BY THE 2ND RESPONDENT RECOMMENDING FOR QUARRYING PERMIT.**
- EXT.P-4: TRUE COPY OF THE LETTER DATED 15.2.2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT REQUESTING TO CONSIDER THE MATTER AS REQUIRED BY THE FIRST RESPONDENT**
- EXT.P-5: THE TRUE COPY LETTER DATED 22.2.2014 ISSUED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT WITH A COPY TO THE PETITIONER REFUSING TO GRANT PERMIT.**
- EXT.P-6: THE TRUE COPY OF THE OBJECTION DATED 21.1.14 ALLEGED TO HAVE BEEN FILED BY THE LOCAL RESIDENTS BEFORE THE 3RD RESPONDENT**
- EXT.P-7: THE TRUE COPY OF THE LETTER DATED 24.2.2014 ISSUED BY THE VILLAGE OFFICER TO THE PETITIONER SHOWING THE ACTUAL RESIDENTS IN THE NEIGHBOURING PROPERTY OF THE PETITIONER.**

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RESPONDENT(S)' EXHIBITS:-

**EXT. R3(a): A TRUE COPY OF THE DECISION TAKEN IN THE PANCHAYAT
MEETING DATED 21.01.2014**

**EXT. R3(b): A TRUE COPY OF THE ORDER PASSED BY THIS RESPONDENT
DATED 23.01.2014 IN THE MEETING DATED 21.01.2014**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 8025 OF 2014

Dated this the 28th day of September, 2015

JUDGMENT

It now transpires that the first respondent is the authority to decide whether quarrying permit can be granted or not. The petitioner wants to do the quarrying operation in respect of six cents out of the total extent of fifty cents of land.

2. Any application made to the first respondent within one month from today shall be dealt with within a period of one month therefrom. Needless to say that the petitioner and the third respondent shall be put on notice and heard in the exercise.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS