

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 9552 of 2015 (T)

PETITIONER :

**P.LAKSHMANAN, S/O.K.T. KELU,
PADACHERY HOUSE, KARUVACHERY,
PAYYANNUR, KANNUR - 670 307.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR,
MINING AND GEOLOGY DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.**
- 3. GEOLOGIST,
MINING & GEOLOGY DEPARTMENT,
KASARAGOD - 671 001.**
- 4. DISTRICT COLLECTOR, KASARGOD - 671 001.**
- 5. TAHSILDAR
TALUK OFFICE, TALIPARAMBA, KANNUR - 670 141.**
- 6. SPECIAL DEPUTY TAHSILDAR, TALUK OFFICE,
TALIPARAMBA-670 141**
- 7. SENIOR GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE,
CIVIL STATION, KASARAGOD - 670 001.**

BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: COPY OF THE NOTICE DATED 13/2/2012

EXT.P2: COPY OF THE REPLY DATED 1/3/2012

EXT.P3: COPY OF THE ORDER DATED 7/5/2012

EXT.P4: COPY OF THE REPRESENTATION DATED 28/5/2012 TOGETHER WITH POSTAL RECEIPT.

EXT.P5: COPY OF THE REVIEW PETITION DATED 5/7/2012

EXT.P6: COPY OF THE REPLY DATED 3/11/2012.

EXT.P7: COPY OF THE APPEAL DATED 12/12/2012 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT.P8: COPY OF THE G.O(RT) NO.672/13/ID DATED 21/5/2013.

EXT.P9: COPY OF THE ORDER DATED 9/10/2013.

EXT.P10: COPY OF THE LETTER DATED 8/11/2013

EXT.P11: COPY OF THE APPEAL DATED 19/12/2013.

EXT.P12: COPY OF THE APPEAL DATED 17/6/2014.

EXT.P13: COPY OF THE DEMAND NOTICE DATED 19/1/2015.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9552 of 2015

Dated this the 9th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) to issue a writ of certiorari quashing Exts.P1,P3,P6,P9, P10 and P13 and other demand notices in the nature of Ext.P13 as unjust, illegal and arbitrary;

ii) to declare that the petitioner is not liable to pay any royalty or fine towards the removal of laterite stone from his land;

iii) to issue a writ of mandamus directing the 3rd respondent to carry out the directions in Ext.P8;

iv) to issue a writ of mandamus directing the respondents to refrain from issuing orders in the nature of Exts. P1,P3,P6,P9, P10 and P13 till they carry out the directions contained in Ext.P8;

v) to issue such other orders, directions or writ as may be prayed for and that this Hon'ble Court may deem fit on the facts and circumstances of the case."

2. The learned counsel for the petitioner submits that, the respondents have not taken the the measurements as directed in Ext.P8 and as such, the grievance of the petitioner is to be

redressed and hence the writ petition.

3. The learned Government Pleader appearing for the respondents submits that, the measurement was taken by the Geologist, but the same was not in the presence of the petitioner, as the petitioner refused to co-operate with the measurement. However, since the learned counsel for the petitioner submits that the petitioner is ready to co-operate with measurement, the learned Government submits that the Geologist is ready to conduct a fresh measurement with notice to the petitioner, so as to have the proceedings finalised.

In the said circumstances, the submission is recorded and the writ petition is disposed of, directing the 3rd respondent/ Geologist to have the proceedings finalised accordingly. After conducting the measurement as above with notice to the petitioner, the Geologist shall communicate the outcome to the 1st respondent within 'one month', who may pursue the matter after hearing the petitioner and finalise the same without any further delay at the earliest, at any rate, within 'two months' thereafter.

'Status quo' shall be maintained with regard to the recovery, if any, till such time.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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