

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 9623 of 2015 (C)

PETITIONER(S):

**PUSHPARAJ, S/O.SUGUNAN,
AGED 39 YEARS, MAPPILAKUDIYIL,
NERYAMANGALAM P.O., NERYAMANGALAM VILLAGE,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENTS:-

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
IDUKKI DISTRICT - 682 030.**
- 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.**

BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 9623 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. TRUE COPY OF THE DEALERS LICENCE DATED 21.04.2014
ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXHIBIT P2. TRUE COPY OF THE APPLICATION DATED 09.03.2015
SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT
DATED 24.06.2014 IN WRIT APPEAL NO.166 OF 2014.

EXHIBIT P4. TRUE COPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT
DATED 23.01.2015 IN WP(C).NO. 2463/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.9623 of 2015

Dated this the 12th day of October, 2015

JUDGMENT

The petitioner wants to have a dealer's licence for stock and sale of weathered sand. The petitioner's case is that the Division Bench of this Court in W.A.No.107/2014 and connected cases held that weathered sand cannot be classified as ordinary earth, whereas it falls under item (xxvii) coming under 'Sand (Others)' in the Central Government notification dated 10/02/2015.

2. In that view of the matter, there shall be a direction to the first respondent to consider the application for dealer's licence in the light of the judgment in W.A.No.107/2014 and connected cases dated 16/09/2015 within a period of one month from the date of receipt of a copy of this judgment. If the dealer's licence is granted, necessary OA forms shall be issued to the petitioner as well.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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