

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 9796 of 2015 (Y)

PETITIONER(S):

**MOIDEENKUTTY NAHA, AGED 43 YEARS,
S/O.ALIYAR, PUTHECKAPARAMBIL, ERAMALLOOR P.O.,
AIRAPURAM VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
ERNAKULAM DISTRICT-682 030.**
- 2. THE DIRECTOR,
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM, THIRUVANANTHAPURAM-695 001.**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9796 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE DEALERS LICENSE DATED 30.6.2014 ISSUED BY THE
FIRST RESPONDENT TO THE PETITIONER.**

**EXT.P2: TRUE COPY OF THE APPLICATION DATED 9.3.2015 SUBMITTED BY THE
PETITIONER BEFORE THE FIRST RESPONDENT.**

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

**EXT.P4: TRUE COPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT
DATED 23.1.2015 IN WP(C)2463 /2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.9796/2015**  
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Dated this the 14th Day of October, 2015

J U D G M E N T

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

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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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