

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 9841 of 2015 (E)

PETITIONER(S):

**GOKUL G., S/O.GOPALAKRISHNAN, AGED 35 YEARS,
REJANA HOUSE, NEDUKUNNAM MURI,
NEDUKUNNAM VILLAGE, CHANGANASERRY TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENTS:-

- 1. THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
KOTTAYAM, KOTTAYAM DISTRICT - 686 001.**
- 3. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM, KOTTAYAM DISTRICT - 686 001.**
- 4. THE VILLAGE OFFICER,
NEDUKUNNAM VILLAGE, KOTTAYAM DISTRICT - 686 001.**
- 5. THE SECRETARY,
NEDUKUNNAM GRAMA PANCHAYATH, KOTTAYAM TALUK,
KOTTAYAM DISTRICT - 686 001.**
- 6. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT - 686 001.**
- 7. THE SUB INSPECTOR OF POLICE,
KARUKACHAL POLICE STATION,
KOTTAYAM DISTRICT - 686 601.**

R1 TO R4,R6 & R7 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 9841 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. THE TRUE COPY OF THE BUILDING PERMIT NO.A4-2111/2013 DATED 08.05.2013 ISSUED BY THE SECRETARY OF NEDUMKUNNAM GRAMA PANCHAYATH.
- EXHIBIT P2. THE TRUE COPY OF THE JUDGMENT OF THIS HONORABLE COURT DATED 09.01.2015 IN W.P.NO.830 OF 2015.
- EXHIBIT P3. THE TRUE COPY OF THE PERMIT NO.635/2014-2015/397/DOY/ML/2015 DATED 25.02.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P4. THE TRUE COPY OF THE NOTICE NO.397/DY/ML/2015 DATED 26.02.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P5. THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9841 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of certiorari or any other appropriate writ, order or direction quashing Ext.P4 notice.

ii) Issue a writ of mandamus or any other appropriate writ order of direction, commanding 6th respondent to renew the Exhibit P3 permit and issue P-Form to the petitioner to transport red earth from the property in Re-Sy. No.246/5, 246/4 in Block No.18 of Nedukunnam Village in Kottayam Taluk, under the provisions of the Kerala Minor Mineral Concession Rule.

iii) Issue such other appropriate writ, order or direction as this Hon'ble Court deem fit and proper, in the circumstances of the case."

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents as well.

3. It is stated by the learned Government Pleader that, Ext.P4 issued to the petitioner can be considered as a notice with liberty to file objections and that the matter could be finalised by the 6th respondent after hearing the petitioner.

4. In the above circumstances, the 6th respondent is directed to consider Ext.P6 objections preferred by the petitioner in response to Ext.P4 and finalise the matter after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 6th respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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