

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 9868 of 2015 (G)

PETITIONER(S) :

**ABDUL AZEEZ,
S/O.AVARAN KUNJI HAJI, P.C.HOUSE, VELIMUKKU SOUTH P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
KASARAGOD - 671 121.**
- 2. THE GEOLOGIST,
MINING & GEOLOGY DEPARTMENT, DISTRICT OFFICE,
KASARAGOD - 671 121.**

BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: COPY OF THE APPLICATION WITH CHALLAN DATED 23/08/2014.

EXT.P2: COPY OF THE CONSENT LETTER DATED 01/08/2014.

**EXT.P3: COPY OF THE PROCEEDINGS DATED 11/02/2014 ISSUED BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9868 of 2015

Dated this the 6th day of April, 2015

JUDGMENT

The grievance of the petitioner is mainly with regard to the rejection of Ext.P1 application preferred by the petitioner for granting the dealership so as to sell materials under the Kerala Minerals (Prevention of Illegal Mining, Storage & Transportation) Rules, 2015.

2. The petitioner intends to do business by bringing minor minerals, particularly, ordinary sand from outside Kerala after complying with all legal formalities, also by satisfying the tax payable at the concerned check posts. So as to enable the petitioner to pursue such exercise, a dealer's licence is necessary. It was accordingly that Ext.P1 application was preferred before the 2nd respondent and satisfied the requisite fees as borne by the Chalan receipt forming part of Ext.P1. The owner of the land has given Ext.P2 consent so as to pursue the activity. On a fine morning, the petitioner was served with Ext.P3 dated 11.2.2015 (wrongly shown as 11.2.2014), whereby it has been informed that the application has been rejected in view of the objection raised from the part of the 1st respondent/District Collector.

3. Heard the learned Government Pleader as well.

4. Under what circumstance the application preferred by the

petitioner came to be rejected is not seen from Ext.P3, but for the objection stated as preferred by the 1st respondent/District Collector. Going by the mandate of Rule 13(1) of the Rules, it is necessary for the 2nd respondent to stipulate the reason for rejection of the application, after affording an opportunity of hearing. No such opportunity is stated as given, nor is there any palatable reason for rejecting the application. In the said circumstance, this Court finds that the matter requires to be reconsidered.

5. Accordingly, Ext.P3 is set aside and the 2nd respondent is directed to reconsider the matter in the light of relevant provisions of law and pass a speaking order after affording 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 the judgment along with a copy of the writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**