

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 10155 of 2014 (T)

PETITIONER:

S.LESLIN, PROPRIETOR,
MARIA CONSTRUCTION NEEDS, 6/123,
KOLASSERY ROAD, KAVUMBHAGAM,
THALASSERY, KANNUR DISTRICT.

BY SRI.GRASHIOUS KURIAKOSE (SENIOR ADVOCATE)
ADV.SRI.SEBASTIAN JOSEPH (KURISUMMOOTTIL)

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
KANNUR-670 002.
2. THE VILLAGE OFFICER,
TRIPRANGOTTOOR, KANNUR DISTRICT-670 691.
3. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, KANNUR-670 002.
4. THE SECRETARY,
TRIPRANGOTTOOR GRAMA PANCHAYATH,
P.O.KALLIKANDY, KANNUR DISTRICT-670 693.

*ADDL. R5 IMPEADED

5. ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
KANNUR, PIN - 670 002.

ADDL.R5 IS IMPEADED AS PER ORDER DATED 02.07.2015 IN IA 9219/15.

R1 TO R3 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R4 BY ADV. SRI.R.SURENDRAN
ADDL. R5 BY SRI.M.AJANY, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE DOCUMENT NO.625/1992 DTD.24.6.1992 OF SRO, KALLIKKANDY.
- P2 : TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICER ON 17.6.2009.
- P3 : TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE COMMERCIAL TAX OFFICER, 2ND CIRCLE, THALASSERY.
- P4 : TRUE COPY OF QUARRYING LEASE EXECUTED ON 12.12.2007.
- P5 : TRUE COPY OF PERMIT ISSUED ON 12.3.2014 FOR EXTRACTING 1000 MT. OF GRANITE BUILDING STONE VALID UPTO 11.5.2014.
- P6 : TRUE COPY OF EXPLOSIVE LICENCE RENEWED UPTO 31.3.2015.
- P7 : TRUE COPY OF THE CONSENT LETTER RENEWED UPTO 30.6.2015 BY THE POLLUTION CONTROL BOARD DTD.25.6.2012.
- P8 : TRUE COPY OF THE LICENCE NO.A1/6/2013-14 DTD.29.5.2013 ISSUED FOR QUARRYING.
- P9 : TRUE COPY OF THE LICENCE NO.A1/5/2013-14 DTD.29.5.2013 ISSUED FOR CONDUCTING CRUSHER UNIT.
- P10: TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DTD.28.2.2014.
- P10(A): TRUE COPY OF COMMUNICATION DTD.28.3.2014 SENT BY THE 4TH RESPONDENT.
- P11: TRUE COPY OF NOTIFICATION NO.18294/LEG.A1/2004/LAW DTD.18.10.2006.
- P12: TRUE COPY OF THE COMMUNICATION DTD.27.2.2006 OF THE ADDL. CHIEF SECRETARY ADDRESSED TO THE 1ST RESPONDENT.
- P13: A TRUE COPY OF THE INTERIM ORDER DTD.21.2.2014 IN WPC NO.3431/2014.
- P14: A TRUE COPY OF THE INTERIM ORDER DTD.26.3.2014 IN WPC NO.3431/2014.
- P15: TRUE COPY OF THE LICENCE NO.B2-33/2014-15 DATED 30.4.2014.(IA.6311/14)
- P15: TRUE COPY OF PROCEEDINGS NO.E/SC/KL/22/89(E111193) DATED 18.2.2015 OF THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES.
- P16: TRUE COPY OF LICENCE ISSUED FOR CONDUCTING QUARRYING UPTO 31.3.2016.

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- P17: TRUE COPY OF THE LICENCE ISSUED FOR RUNNING CRUSHER UNIT UPTO 31.3.2016.
- P18: TRUE COPY OF THE APPLICATION FOR RENEWAL OF EXT. P7.
- P19: TRUE COPY OF THE LAND TAX RECEIPT DATED 23.4.2015.
- P20: TRUE COPY OF AMBIENT AIR QUALITY MONITORING REPORT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C).No.10155 of 2014

Dated this the 10th day of September, 2015

J U D G M E N T

The petitioner is the proprietor of Maria Construction Needs, 6/123, Kolassery Road, Kavumbhagom, Thalassery. The petitioner is the owner of an extent of 2.25 Acres of land in Re.Survey No.275/1A of Pilur Amsom in Tripragottoor Village. The petitioner refers the ownership of the above property by virtue of Ext.P1. However, it is seen from the respondent's counter affidavit that the petitioner is in possession of this land based on a quarrying lease of ten years. The lease period is valid from 20.9.2007 to 19.9.2017.

2. Heard the learned Counsel for the petitioner and the learned Government Pleader.

3. If the petitioner is in possession of the land referred as above, necessarily, the petitioner is entitled to possession certificate, location sketch and basic tax receipt

based on the possessory right based on a quarrying lease. Needful shall be done by the 2nd respondent within a period of two weeks from the date of receipt of a copy of this judgment. The question relating to the claim of ownership is left open.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

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