

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. 10267 of 2015 (G)

PETITIONER(S):

**BIJU POULOSE, AGED 32,
S/O.POULOSE, PADAYADAN HOUSE,
MANJAPRA P.O., ERNAKULAM - 683 581.**

**BY ADVS.SRI.JOHNSON MANAYANI
SRI.BENHUR JOSEPH MANAYANI
SRI.JEEVAN MATHEW MANAYANI**

RESPONDENT(S):

- 1. THE TAHSILDAR, ALUVA TALUK AND
POST OFFICE, ERNAKULAM - 683 101.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD P.O.,
ERNAKULAM - 682 030.**
- 3. THE DISTRICT GEOLOGIST,
ERNAKULAM DISTRICT, COLLECTORATE,
ERNAKULAM - 682 030.**
- 4. THE STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM - 695 001.**

BY SENIOR 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:**

msv/

WP(C).No. 10267 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: THE TRUE COPY OF THE SANCTION GRANTED BY THE DEPARTMENT OF MINING AND GEOLOGY.

EXT.P2: THE TRUE COPY OF THE SANCTION ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.

EXT.P3: THE TRUE COPY OF THE APPLICATION FOR LEASE WITH COPY OF THE BASIC TAX REGISTER DTD.20.11.2013.

EXT.P4: THE TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER, AYYAMPUZHA SUBMITTED TO THE FIRST RESPONDENT DTD.15.10.2013.

EXT.P5: THE TRUE COPY OF THE QUARRYING LEASE DTD.5.6.2014 TO A THIRD PARTY BY THE TAHSILDAR MUVATTUPUZHA.

EXT.P6: TRUE COPY OF WP(C) 18824 OF 2014 WITHOUT THE EXHIBITS.

EXT.P7: THE TRUE COPY OF THE JUDGMENT IN WP(C) NO.18824 OF 2014 DTD.14.11.2014 OF THIS HON'BLE COURT.

EXT.P8: PETITIONER HEREIN FILED CONTEMPT OF COURT CASE NO.155 OF 2015. TRUE COPY OF CONTEMPT CASE (C) NO.155 OF 2015 WITH THE EXHIBITS.

EXT.P9: THE TRUE COPY OF THE ORDER OF THE THIRD RESPONDENT DTD.1.1.2015.

EXT.P10: THE TRUE COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT DTD.23.2.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 10267 of 2015

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Dated, this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (i) Issue a writ of mandamus or any other appropriate writs, directions or orders directing the 2nd respondent to finalize the petitioner's Ext. P3 endorsed by Exhibit P4.
- (ii) Declare that, the petitioner is entitled for the quarrying lease as per Exhibits P3 and P4
- (iii) Issue such other orders as are deemed fit and proper in the circumstances of the case."

2. The learned counsel for the petitioner submits that the petitioner has been virtually made to run from pillar to post so as to have No-Objection Certificate for conducting quarry in the Government land. It is stated that the issue was finally considered and after considering the application preferred by the petitioner, the first respondent has issued Ext. P10 whereby it is stated that it is for the District Collector to have the NOC issued. This made the petitioner to approach this Court by filing the writ petition.

3. The learned Government Pleader appearing for the respondents submits that the change in circumstances is only because of the amendment of the Statute and that the competent authority to deal with the matter is none other than the second respondent/District Collector.

4. In the said circumstances, the first respondent is directed to transmit Exts. P3 and P4 to the second respondent/District Collector forthwith, at any rate, within two weeks from the date of receipt of a copy of this judgment. The same shall be considered and appropriate orders shall be passed, in accordance with law by the second respondent, after giving an opportunity of hearing to the petitioner and other interested parties, if any, at the earliest, at any rate, within one month thereafter.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd