

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 10740 of 2015 (N)

PETITIONER(S) :

SOUTHERN MINERAL INDUSTRIES,
THYCATTUSSERY P.O., CHERTHALA,
ALAPUZZHA DISTRICT, PIN-688 528,
REPRESENTED BY ITS MANAGING PARTNER V.N.BABU.

BY ADVS.SRI.N.MANOJ KUMAR,
SMT.JAYASREE MANOJ &
SRI.R.RADHAKRISHNAN NAIR (KOLLAM) .

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM-695 004.

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1: TRUE COPY OF D.O.LETTER DATED 29.4.2003 ADDRESSED TO
SMT.SANTHA BABU.

EXT.P2: TRUE COPY OF THE G.O.(MS) NO.138/2008/ID DATED 2.9.2008.

EXT.P3: TRUE COPY OF THE GAZETTE OF INDIA DATED 10.2.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P.C. No.10740 of 2015

Dated this the 25th day of May, 2015.

JUDGMENT

Petitioner seeks implementation of Ext.P2, being an order passed by the Government with respect to silica sand mining. As per Ext.P2 issued in 2008, the Government had decided to grant silica sand mining permits only to those industries established for value addition of the said major mineral, as it was categorised then. Even according to the petitioner, Ext.P2 was violated many a time and permits were issued for mere washing of the major mineral, against the policy declared in Ext.P2. However, none of the permits are challenged and the learned counsel for the petitioner concedes that the petitioner does not intend to challenge the same.

2. The present controversy is with respect to Ext.P3 Gazette Notification having been issued by the Central Government, in which silica sand has been included as a minor mineral. The position with respect to grant of mining licence remains the same and it is the State Government, which has the authority to do it,

whether it be a major mineral or minor mineral. The petitioner seeks implementation of Ext.P2 if it is still in force.

3. Ext.P2 as has been stated earlier, is a policy document and it is for the Government to decide on the issue of permits and licenses and it may not be proper for this Court to direct implementation of Ext.P2, which is a policy document of 2008. There is also change in the categorisation of the mineral as per Ext.P3 notification. Since it is the prerogative of the Government to announce or resile from a policy on the question of permitting mining leases, it may not be proper for this Court to interfere with the same nor direct implementation of Ext.P2, which was issued as early as in 2008. The petitioner however being engaged in an industry, which is involved in value addition to the subject mineral could always take up the matter before the Government.

With the said observation, this writ petition would stand closed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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