

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. 11061 of 2015 (G)

PETITIONER:

**JAISON LUKOSE,
CHIRAYIL, THOMSON VILLA, ETTUMANOOR.P.O.,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.P.SREEKUMAR
SRI. RAJESH THOMAS**

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANATHAPURAM.PIN-695 001**
- 2. THE GEOLOGIST,
MINING AND GEOLOGIST DEPARTMENT, DISTRICT OFFICE,
CIVIL STATION, KAKKANAD, ERNAKULAM.PIN-686 030**

BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

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

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P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.11061 OF 2015
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Dated this the 6th April, 2015

J U D G M E N T

The petitioner was conducting quarrying operations in the concerned property from the year 2000. It is stated that the erstwhile owner had also conducted much excavation earlier and removed the granites before the quarry came to the hands of the petitioner. While so, the petitioner was served with Ext.P1 notice dated 14.10.2014 referring to excess excavation and also demanding to satisfy a sum of Rs.14,21,000/- to be paid within seven days from the date of receipt of the said notice, which includes the royalty and penalty in respect of additional quantity of granites removed. The case of the petitioner is that no such excavation has been effected by him under any circumstance.

2. Petitioner has filed Ext.P3 representation before the first respondent/Secretary to Government, Industries Department seeking for the benefit of installments . Since the respondents are proceeding with coercive proceedings, there is no other way for the petitioner but to move this Court.

3. Heard the learned Government Pleader as well.

4. During the course of hearing, the learned Counsel for

the petitioner submits that the petitioner has already been granted few installments by the concerned respondent as per Ext.P2 and since the total amount is more than Rs.15 lakhs, the petitioner will not be in a position to find out sufficient means to discharge the obligation. It is stated that the petitioner is ready and willing to satisfy the entire liability and the prayer is only to enable the petitioner to discharge the liability in a phased manner.

5. After hearing both the sides, this Court finds that the petitioner could be given some breathing time and this will not cause any substantial prejudice to the respondents. The petitioner is permitted to clear the entire outstanding liability by way of **'10' equal monthly installments**, the first of which shall be remitted on or before **30.04.2015**, followed by similar installments to be effected on or before the last working day of the succeeding months. Subject to the above, the recovery proceedings shall be kept in abeyance. It is made clear that if any default is committed by the petitioner in effecting the installments as above, the respondents will be at liberty to proceed with further steps for realisation of the amount in a

lump, from the stage where it stands now.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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