

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No.11102 of 2015 (K)

PETITIONER'S:

1. **K.C.BICIMON,MANAGIND DIRECTOR,
ANUGRAHA METALS AND SANDS PVT. LTD.
MALAYATTOOR P.O.,ERNAKULAM DISTRICT.**
2. **P.M.SHIBU,PULIKKACHALIL HOUSE,
MALAYATTOOR P.O.,KALADY,
ERNAKULAM DISTRICT.**

BY DR.GEORGE ABRAHAM

RESPONDENTS:

1. **DISTRICT COLLECTOR,ERNAKULAM,
COLLECTORATE,KAKKANAD,
ERNAKULAM,PIN - 682 030.**
2. **LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM - 695 001.**
3. **STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY SENIOR GOVT. PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.11102 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE TITLE DEED NO.2087/1/2010 DATED 31/08/2010 OF
SRO SREEMOOLANAGARAM.**

**EXT.P2:TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE DEPARTMENT
OF MINING AND GEOLOGY DATED 26/05/2014.**

**EXT.P3:TRUE COPY OF THE LICENCE ISSUED BY MALAYATTOOR -
NEELESWARAM GRAMA PANCHAYATH DATED 19/12/2014 TO THE 1ST
PETITIONER.**

**EXT.P4:TRUE COPY OF THE EXPLOSIVES LICENCE DATED 17/12/2014 ISSUED TO
THE PETITIONER BY THE EXPLOSIVE DEPARTMENT.**

**EXT.P5:TRUE COPY OF THE ORDER DATED 04/03/2015 ISSUED BY THE 1ST
RESPONDENT REJECTING THE APPLICATION OF THE 1ST PETITIONER.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.11102 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

- 1) To issue a writ of certiorari or any other appropriate writ, direction or order quashing Ext.P5 order issued by the 1st respondent, District Collector.
- 2) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to issue No Objection Certificate for transferring Ext.P4 explosives licence held by the 2nd petitioner in the name of the 1st petitioner.
- 3) To grant such other appropriate reliefs to the petitioner as this Hon'ble Court may deem fit and proper in the interest of justice.

2. Heard the learned counsel for the petitioners as well as the learned Government Pleader.

3. During the course of hearing, the learned Government Pleader points out that the issue of granting of NOC is governed by Rule 103 of the relevant Rules and if the petitioner is aggrieved of the impugned order, it is always open for the petitioner to pursue the remedy by way of an appeal as specified under Rule 121 of the very same Rules.

3. In the above circumstance, the petitioner is relegated to move the Appellate Authority (Land Revenue Commissioner) by filing an appeal and to pursue the matter accordingly. If any appeal is filed before the 2nd respondent within 'ten days' 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, after affording an opportunity of hearing to the petitioners, which shall be done at the earliest, at any rate, within two months thereafter.

The writ petition is disposed of accordingly. The petitioners shall produce a copy of this judgment along with a copy of this writ petition before the second respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv