

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11296 of 2015 (J)

PETITIONER : -

V.V. MUHAMMED,
VALIYODI PUTHENPURA HOUSE,
VALAMBOOR, PATTIMATTAM PO,
ERNAKULAM DIST, PIN-683 562.

BY ADVS.SRI.P.N.SANTHOSH
SMT.K.P.GEETHA MANI
SRI.P.N.APPUKUTTAN
SMT.ASWATHI APPUKUTTAN

RESPONDENT : -

KUNNATHUNADU GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
KUMARAPURAM P.O., ERNAKULAM DISTRICT, PIN-683 565.

BY SRI.S.M.PRASANTH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P1 : - TRUE COPY OF THE ORDER DATED 18-8-2006 IN APPEAL NUMBER 244/2006 OF THE HON'BLE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.
- EXT.P2 : - TRUE COPY OF THE DECISION NUMBER II(20) DATED 4.12.06 OF THE KUNNATHUNADU GRAMA PANCHAYAT.
- EXT.P2(a) : - ENGLISH TRANSLATION OF EXHIBIT P2.
- EXT.P3 :- TRUE COPY OF THE CURRENT EXPLOSIVE LICENCE NO.E/SC/KL/22/1243 (E25363) DATED 31.07.2013 ISSUED BY THE PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION GOVERNMENT OF INDIA TO THE PETITIONER.
- EXT.P4 : - TRUE COPY OF THE CURRENT MINING PERMIT DATED 09.06.2014 ISSUED BY THE DEPARTMENT OF MINING AND GEOLOGY WHICH IS VALID UP TO 08.06.2015 ISSUED TO THE PETITIONER.
- EXT.P5 : - TRUE COPY OF THE LICENCE DATED 21.01.2015 WHICH IS VALID UP TO 08.06.2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THE PETITIONER.
- EXT.P6 : - TRUE COPY OF THE SHOW CAUSE NOTICE DATED 14.01.2015 ISSUED BY THE RESPONDENT TO THE PETITIONER.
- EXT.P6(a) : - ENGLISH TRANSLATION OF EXHIBIT P6.
- EXT.P7 : - TRUE COPY OF THE REPLY DATED 20.01.2015 SUBMITTED BY THE PETITIONER TO THE SHOW CAUSE NOTICE ISSUED BY THE RESPONDENT.
- EXT.P8 : - TRUE COPY OF THE RECEIPTS (2 NUMBERS) DATED 20.01.2015 SHOWING THE ACCEPTANCE OF REPLY TO THE SHOW CAUSE NOTICE AND ALSO THE APPLICATION FOR D&O LICENCE.

RESPONDENT'S EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 11296 of 2015

Dated this the 09th day of April, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayat, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, who has allegedly been carrying on quarrying operations from, in the words of the learned counsel for the petitioner, 2005 onwards, submitted an application, for D&O licence, along with Exhibit P7 reply to Exhibit P6 notice issued by the respondent Grama Panchayat. Questioning the inaction of the respondent Grama Panchayat in considering petitioner's application, he has approached this Court.

3. The learned counsel for the respondent Grama Panchayat, on instructions, has submitted that the

respondent Grama Panchayat already considered and rejected petitioner's application. He has also submitted that the order has already been duly dispatched to the address provided by the petitioner in Exhibit P7.

4. The learned counsel for the petitioner has, however, stoutly contested the submission made by the learned counsel for the respondent Grama Panchayat that the petitioner's application has ever been considered, leave alone rejected. At any rate, he has submitted, in my view fairly, that the petitioner does not have any objection to receive the order of rejection said to have been passed by the Grama Panchayat and take recourse to other statutory remedies, assailing the decision of the Grama Panchayat.

5. The learned counsel for the respondent Grama Panchayat has submitted that despite the dispatch of the order, since the petitioner has been insisting that it has not been received by him, if he approaches the respondent Grama Panchayat, it is ready and willing to provide another certified copy to enable him to pursue his remedies.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the

petitioner and the learned counsel for the respondents, this Court, without adverting to the merits of the matter, disposes of the writ petition, leaving it open for the petitioner to approach the respondent Grama Panchayat for a copy of the order said to have been passed by the respondent Grama Panchayat in response to petitioner's Exhibit P7 reply and also application said to have been submitted, as could be seen from Exhibit P8 acknowledgment.

7. It is however made clear that once the said certified copy is made available to the petitioner, the limitation shall be reckoned only from the date of his receiving the said certified copy.

With the above observations, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-