

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. 11683 of 2015 (I)

PETITIONER :

**GEORGE K.J.,S/O.JOHN, AGED 64 YEARS,
KADAMKULAM, AYAVANA.P.O., ERAMALLOOR VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
IDUKKI DISTRICT-686 642**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695 001**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**

BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

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

sts

WP(C).NO.11683/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE DEALERS LICENCE DATED 4/6/2014 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.**
- P2 COPY OF THE RELEVANT PAGE OF STOCK REGISTER OF PETITIONER IN FORM N WHICH WAS CERTIFIED BY THE FIRST RESPONDENT.**
- P3 COPY OF THE RELEVANT PAGE OF PURCHASE AND SALE REGISTER OF PETITIONER IN FORM M WHICH WAS CERTIFIED BY THE FIRST RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 11683 of 2015

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Dated, this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"1. Issue a writ of mandamus or other appropriate writ direction or order directing the first respondent to issue sufficient transit passes (O(A) forms) to the petitioner to transport existing stock of weathered sand in his yard as evident from exhibit P2 and P3.

2. Declare that incorporation of ordinary earth in Rule 3 (4) of the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules 2015, is illegal and ultra virus since the same is dealing by the Kerala Minor Mineral Concession Rules 2015.

3. Struck of the word ordinary earth from Rule 3 (4) the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules since the same is illegal and ultra virus and against constitution of India.

2. The learned counsel for the petitioner submits that challenge raised against the relevant Rules is not pressed for the time being and that the relief sought for would stand confined to relief

No.1. The learned counsel for the petitioner submits that the only prayer now pressed before this Court to consider the application preferred by the petitioner for issuance of Mineral Transit Pass in Form O(A) for transporting the ordinary earth stored in the premises of the petitioner.

3. Heard the learned Government Pleader as well.

4. In the above facts and circumstances, the first respondent/District Geologist is directed to conduct a spot inspection and consider the application preferred by the petitioner for issuance of 'Mineral Transit Pass' in Form O(A), on being satisfied with the genuineness of the claim of the petitioner without insisting for 'NOC'/Mining permit; in accordance with law, which shall be done at the earliest, at any rate, within 'ten days' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the first respondent/District Geologist for further steps.

The writ petition is disposed of.

Sd/-

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

kmd