

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

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

WP(C).No. 11894 of 2015 (J)

PETITIONER(S):

**ANANTHAPURI BLUE METALS,
MOONUMUKKU P.O., CHITHARA,
KOLLAM DISTRICT, REPRESENTED BY
ITS MANAGING PARTNER SRI.DILLISUGHI.**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.ENOCH DAVID SIMON JOEL**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR, DIRECTORATE OF MINING AND GEOLOGY,
PATTON PALACE (PO), KESAVADASAPURAM,
THIRUVANANTHAPURAM - 695 004.**
- 3. THE GEOLOGIST, DISTRICT OFFICE,
DEPARTMENT OF MINING AND GEOLOGY,
KOLLAM - 691 001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

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

msv/

WP(C).No. 11894 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE AFFIDAVIT DATED 30.3.2014 SUBMITTED BY THE
PETITIONER TO THE 2ND RESPONDENT.**

**EXT.P2: TRUE COPY OF THE DEMAND NOTICE DTD.7.4.2015 ISSUED BY THE
3RD RESPONDENT TO THE PETITIONER.**

**EXT.P3: TRUE COPY OF THE G.O.(P) NO.1/2015/ID ON 5.1.2015 ISSUED BY THE
1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON,J

.....
W.P.(C) No.11894 OF 2015

.....
Dated this the 9th day of April, 2015.

J U D G M E N T

The petitioner is mainly aggrieved of the enhancement of the 'consolidated royalty' as per Ext.P3. The learned counsel for the petitioner points out that, by virtue of the amendment of the KMMC Rules, 2015 brought into force, the 'consolidated royalty' has been enhanced in the case of the petitioner to an unconscionable extent. The petitioner has been served with Ext.P2 notice dated 7-4-2015 to satisfy Rs.8 lakhs which made the petitioner to approach this Court by filing this writ petition.

2. Heard the learned Government Pleader as well.

3. During the course of hearing, the learned counsel for the petitioner submits that, Ext.P3 amendment does not have any retrospective effect and the same will come into effect only after the date of notification and as such, the liability of the petitioner can only be from 5.1.2015 to 31.3.2015.

4. After hearing both the sides, the writ petition is disposed of directing the 3rd respondent to consider the objection if any in response to Ext.P2, and pass a speaking order after affording an opportunity of hearing to the petitioner at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. Coercive proceedings, if any shall be kept in abeyance till such time, subject to satisfaction of the admitted liability of ₹2,00,000/-(25% of enhanced consolidated Royalty for 2014-2015), to be effected within 'ten days' from the date of receipt of a copy of this judgment. The application for renewal, if any, shall be considered subject to the satisfaction of 25% of the enhanced royalty for 2015-2016.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 3rd respondent for further steps.

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

Smm/-

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

smm

