

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 12357 of 2015 (T)

PETITIONER :

**BIJU PAULOSE
S/O.POULOSE, AGED 33 YEARS
PROPRIETOR, ANUGRAHA QUARRY
RESIDING AT PADAYADAN HOUSE, MANJAPRA
ERNAKULAM DISTRICT-683 581**

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
CIVIL STATION, KAKKANAD, ERNAKULAM - 682 030**
- 2. THE TAHSILDAR,
TALUK OFFICE, ALUVA - 683101**
- 3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, CIVIL STATION
KAKKANAD - 682 030.**
- 4. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHIEF ENVIRONMENT ENGINEER
GANDHI NAGAR, ERNAKULAM - 682 020.**
- 5. THE DISTRICT POLICE CHIEF,
ERNAKULAM RURAL, ALUVA - 683101**
- 6. THE DIVISIONAL OFFICER,
FIRE & RESCUE SERVICES, GANDHI NAGAR
ERNAKULAM- 682 020.**
- 7. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.**

**R1 TO R3 & R5 TO R7 BY GOVT. PLEADER SRI. GIKKU JACOB
R4 BY ADV. SRI. M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 12357 of 2015 (T)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHBIIT P1 TRUE COPY OF THE PATTAYAM NO.P.F.18/77 ISSUED BY SPECIAL
TAHSILDAR, LAND ASSIGNMENT, PERUMBAVOOR DATED 4-4-1977.
- EXHBIIT P2 TRUE COPY OF THE CONSENT DEED DATED 14-08-2013.
- EXHBIIT P3 TRUE COPY OF THE QUARRYING PERMIT ISSUED BY RESPONDENT
NO.3 DATED 6-6-2013 VALID UP TO 5-6-2014 IN FAVOUR OF THE
PETITIONER.
- EXHBITI P4 TRUE COPY OF THE APPLICATION DATED 12-08-2013 SUBMITTED BY
THE PETITIONER.
- EXHBITI P5 TRUE COPY OF THE LETTER NO M4-52865/13 ISSUED BY THE 1ST
RESPONDENT DATED 21-08-2013 TO RESPONDENTS 2, 5 & 6.
- EXHBITI P6 TRUE COPY OF THE LETTER NO B3-17516/13 DATED 14-05-2014.
- EXHBITI P7 TRUE COPY OF THE LETTER NO. D1(b) 36741/2013/ER ISSUED BY THE
5TH RESPONDENT TO THE 1ST RESPONDENT DATED 13-1-2014.
- EXHBITI P8 TRUE COPY OF THE JUDGMENT DATED 23-06-2014 IN WP(C)
NO. 14011 OF 2014 OF THIS HON'BLE COURT.
- EXHBITI P9 TRUE COPY OF THE LETER NO.LR.A2-18309/13 DATED 9-5-2013
ISSUED BY THE 7TH RESPONDENT TO THE 1ST RESPONDENT.
- EXHBITI P10 TRUE COPY OF THE LETTER DATED 9-7-2014 ISSUED BY THE 1ST
RESPONDENT TO THE 7TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.12357/2015

Dated this the 30th Day of September, 2015

J U D G M E N T

The petitioner approached this Court on account of non-consideration of Exhibit P4 application by the 1st respondent for explosive licence. The reason for non-acceptance as stated in Exhibit P9 issued by the Commissioner of Land Revenue, reads as follows:

“Attention is invited to the references cited above. The report submitted by the Tahsildar, Aluva vide reference 3rd cited states that there are so many cases wherein quarrying is taking place in lands assigned for agricultural purpose.. And you were directed vide reference 2nd cited to take urgent action and stop quarrying operation in all such lands, and to initiate appropriate disciplinary actions against the officers, who had permitted quarrying from lands assigned for agricultural purpose, in violation of conditions of land assignment.

Instructions has been received from the Commissioner vide 1st reference to get the details of the officers who issued NOCs and permitted quarrying operations in such lands assigned for agricultural purposes. Hence you are hereby directed to furnish the details of the employees involved in the case along with the name, designation etc to this office urgently.”

2. The petitioner's case is that he is not using the land in violation of the conditions in the land assignment.

3. This Court is of the view that since it is a matter relating to the issuance of explosive licence, parameters for consideration of the application should be in accordance with the explosive rules. If the petitioner is attempting to use the land in violation of the assignment rules, the revenue officials are free to take action in accordance with law. However, the application for explosive licence shall not be objected on the ground that the land has been assigned for agricultural purposes. Therefore, the application shall be considered by the 1st respondent logically within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

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