

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDHAN

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WP(C) .No. 12700 of 2015 (J)

PETITIONER(S) :-

SHAJAHAN, AGED 40 YEARS,
S/O.RASAVKUTTY RAWTHER
RESIDING AT PARAVILATHEKKETHIL
ADHIKKATTUKULANGARA P.O, PALAMEL,
ALAPPUZHA DIST. 690501

BY ADV. SRI.M.G.SREEJITH

RESPONDENT(S) :-

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF MINING AND GEOLOGY
GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
ALAPPUZHA DISTRICT OFFICE, MINI CIVIL STATION
CHERTHALA - 690 552.

BY GOVERNMENT PLEADER SRI.VINCENT K.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C).No. 12700 of 2015 (J)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : TRUE COPY OF THE COMMUNICATION DATED 06.12.2014.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.S. TO JUDGE

ANIL K.NARENDRA, J

W.P(C).No.12700 of 2015

Dated this the 24th April, 2015

JUDGMENT

This Writ Petition is filed seeking a writ of certiorari to quash Exhibit P1 order by which the request made by the petitioner for dealer's licence for ordinary sand was rejected by the second respondent.

2. The learned Government Pleader would point out that going by sub-rule (4) of Rule 3 of the Kerala Minerals (Prevention of illegal Mining, Storage and Transportation) Rules, 2015, there is prohibition of issuing mining dealers licence to persons for stocking and selling of sand which comes under the purview of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and also ordinary earth.

3. In view of the above submission of the learned Government Pleader, learned counsel for the petitioner seeks permission to withdraw the Writ Petition without

prejudice to the rights of the petitioner to approach this Court again challenging the aforesaid statutory provision. Permission is granted and the Writ Petition is dismissed as withdrawn with the liberty as aforesaid.

**ANIL K.NARENDRA
JUDGE**

vgs25/4/15