

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 15145 of 2015 (P)

PETITIONER(S) :

**AJI SIMON, AGED 47 YEARS,
S/O.K.M.SIMON, KEELETHU HOUSE, THIRUVANIYOOR(P.O),
ERNAKULAM DISTRICT.**

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENT(S) :

- 1. THIRUVANIYOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
THIRUVANIYOOR GRAMA PANCHAYATH OFFICE,
THIRUVANIYOOR(P.O), ERNAKULAM DISTRICT-682 308.**
- 2. THE SECRETARY,
THIRUVANIYOOR GRAMA PANCHAYAT,
THIRUVANIYOOR GRAMA PANCHAYAT OFFICE,
THIRUVANIYOOR(P.O), ERNAKULAM DISTRICT-682 308.**
- 3. THE GEOLOGIST,
MINING AND GEOLOGY DISTRICT OFFICE, CIVIL STATION,
KAKKANAD(P.O), ERNAKULAM-682 030.**

R3 BY GOVERNMENT PLEADER SMT.KA.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE QUARRYING PERMIT DATED 18/11/2014 VALID UPTO 09.02.2015 ISSUED BY THE THIRD RESPONDENT.**
- EXT.P2: A TRUE COPY OF THE D & O LICENSE ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER DATED 03.04.2014 VALID UP TO 01.08.2014.**
- EXT.P3: A TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY OF THE PETITIONER ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 02.08.2011 VALID UP TO 31.12.2012.**
- EXT.P4: A TRUE COPY OF THE RENEWAL OF EXHIBIT P3 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THE PETITIONER ON 20.12.2012 VALID UP TO 30.06.2015.**
- EXT.P5: A TRUE COPY OF THE FORM LE-3 LICENSE RENEWED ON 26.03.2012 VALID UP TO 31.03.2017.**
- EXT.P6: A TRUE COPY OF THE DECLARATION ISSUED BY THE MINES FOREMAN DATED 04.11.2013 WITH HIS LICENSE.**
- EXT.P7: A TRUE COPY OF THE LETTER OF INTENT ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER DATED 11.05.2014.**
- EXT.P8: A TRUE COPY OF THE APPLICATION DATED 30.03.2015 SUBMITTED BY THE PETITIONER FOR RENEWING EXHIBIT P2 D & O LICENSE BEFORE THE SECOND RESPONDENT.**
- EXT.P9: A TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF FEE FOR RENEWING EXHIBIT P2 FOR THE YEAR 2015-2016 ISSUED BY THE SECOND RESPONDENT.**
- EXT.P10: A TRUE COPY OF THE LETTER DATED 19.05.2015 ISSUED BY THE THIRD RESPONDENT TO THE SECOND RESPONDENT.**
- EXT.P11: A TRUE COPY OF THE REPORT DATED 20.05.2015 ISSUED BY THE VILLAGE OFFICER TO THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15145 of 2015

Dated this the 25th day of May, 2015.

JUDGMENT

Aggrieved by non-consideration of Ext.P8 application submitted by the petitioner before the second respondent, he has come up before this Court.

2. The petitioner alleges that he was operating a quarry for mining building stones from 0.2800 hectares of land comprised in Survey No.218/1-1 of Thiruvaniyoor Village in Kunnathunadu Taluk of Ernakulam District as per Ext.P1 quarrying permit granted by the third respondent on 18.11.2014. The validity of the said permit was upto 9.2.2015 for the reason that the Kerala Minor Mineral Concession Rules, 2015 was being framed in supersession of Kerala Minor Mineral Concession Rules, 1967 on 7.2.2015. The petitioner alleges that he was operating quarry on the strength of Exts.P1 to P6 licences from the concerned department including Ext.P2 D & O licence granted by the second respondent for the year

2015-16. Later, under the provisions of the provisions of the Kerala Minor Mineral Concession Rules, 2015, the third respondent issued Ext.P7 letter of intent to the petitioner as well as to the second respondent stating that there is no prohibition under the new Rules to grant full validity of Ext.P2 permit and accordingly, issued Ext.P10 to the second respondent stating that as and when D & O Licence is issued, the quarrying permit will be granted to the petitioner upto 17.11.2015. Even though, the petitioner filed Ext.P8 application and remitted the requisite fee vide Ext.P9, the D & O Licence of the petitioner for the year 2015-16 was not issued. Therefore, the petitioner is seeking a direction to the second respondent to consider and pass orders on Ext.P8 application.

2. Considering the nature of the submissions made in the writ petition, this Court is of the view that the writ petition can be disposed of even without notice to the respondents.

3. As a limited prayer is only for a direction to the

second respondent to consider and pass appropriate orders on Ext.P8, this writ petition is disposed of directing the second respondent to consider and pass appropriate orders on Ext.P8 application after affording the petitioner an opportunity of being heard. This exercise shall be completed within a period of two months from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of the judgment before the second respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.