

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15434 of 2015 (D)

PETITIONER(S):

**M/S.TRIPTHY GRANITES,
PALLIPPADAM, CHAZHIYATTIRI P.O., PALAKKAD,
REPRESENTED BY ITS PARTNER BENNY PATHROSE.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT(S):

- 1. THE SECRETARY,
THIRUMITTACODE GRAMA PANCHAYAT, CHATHANNOOR P.O.
PALAKKAD-679535.**
- 2. THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD-678001.**
- 3. THE GEOLOGIST,
DISTRICT OFFICE, PALAKKAD-678001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF QUARRYING PERMIT ISSUED UNDER THE CONSOLIDATED ROYALTY PAYMENT SYSTEM DATED 27.10.2014.
- EXHIBIT P2:** TRUE COPY OF LICENSE ISSUED BY THE RESPONDENT PANCHAYAT FOR THE PERIOD 2014-2015.
- EXHIBIT P3:** TRUE COPY OF CONSENT ISSUED BY THE POLLUTION CONTROL BOARD DATED 24.4.2015 VALID UPTO 26.10.2015.
- EXHIBIT P4:** TRUE COPY OF EXPLOSIVE LICENSE ISSUED BY THE EXPLOSIVE DEPARTMENT DATED 3.2.2014 VALID UPTO 31.3.2015.
- EXHIBIT P5:** TRUE COPY OF APPLICATION FOR RENEWAL OF LICENCE SUBMITTED BY THE PETITIONER DATED 28.1.2015.
- EXHIBIT P6:** TRUE COPY OF CHELAN SHOWING THE REMITTANCE OF APPLICATION FEE.
- EXHIBIT P7:** TRUE COPY OF LETTER DATED 5.5.2015 SEEKING REPORT ISSUED BY THE DISTRICT MAGISTRATE.
- EXHIBIT P8:** TRUE COPY OF LETTER OF INTENT DATED 20.4.2015 ISSUED BY THE DISTRICT GEOLOGIST, PALAKKAD.
- EXHIBIT P9:** TRUE COPY OF APPLICATION FOR LICENSE AND RECEIPT ISSUED BY THE RESPONDENT.
- EXHIBIT P10:** TRUE COPY OF LETTER DATED 14.5.2015 ISSUED BY THE RESPONDENT.
- EXHIBIT P11:** TRUE COPY OF LETTER DATED 20.5.2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15434 of 2015

Dated this the 26th day of May, 2015.

JUDGMENT

Alleging that the petitioner's application for renewal of licence from the local authority for quarrying in 59.40 Ares of land in Sy.No.74/1 of Thirumittacode Village, the petitioner has come up before this Court.

2. The petitioner alleges that he has been issued a letter of intent as contemplated under Rule 8 of the KMMCR 2015 and he holds valid consent from the Pollution Control Board as well. The petitioner's explosive licence was valid upto 31.3.2015. However, much before the expiry of the previous licence, the petitioner has filed Ext.P5 application for renewal of licence on 28.1.2015. The petitioner points out that as evident from Ext.P1, the said application is still under process. The petitioner is claiming the benefit of Rule 112(5) of the Explosives Rules, 2008, which states that if the application for renewal reaches the authority competent on or before the date

of expiry of the existing licence, the existing licence shall be received to have been in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the petitioner.

3. The petitioner further alleges that he has submitted Ext.P9 application before the first respondent Municipality for the renewal of the panchayath licence in the light of the above deeming provision. Therefore, he seeks a positive direction from this Court to consider and pass appropriate orders on Ext.P9 application submitted before the respondent Panchayat.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader, who appeared for R2 and R3 in the matter.

5. Today, when the matter came up for admission, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the first respondent panchayath to pass appropriate orders on Ext.P9.

In the light of the submission, the writ petition is disposed of directing the respondent Panchayath to consider Ext.P9 application in the light of the deeming provision under Rule 112(5) of the Explosive Rules, 2008. Formal orders to this effect shall be issued within a period of two weeks 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 this judgment before the respondent Panchayath at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.