

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 19890 of 2015 (I)

PETITIONER(S):

- 1. RAJEEV, S/O.GOPALAN,
KOIPOPURATHU HOUSE, ITHOTTUVAMURI,
PADINJAREKALLADA, KOLLAM DISTRICT.**
- 2. SAJEEV, S/O.GOPALAN,
KOIPOPURATHU HOUSE, ITHOTTUVAMURI,
PADINJAREKALLADA, KOLLAM DISTRICT.**

**BY ADVS.SRI.M.T.SURESHKUMAR,
SRI.S.SANAL KUMAR,
SMT.SMITHA PHILIPOSE,
SMT.BHAVANA VELAYUDHAN.**

RESPONDENT(S):

- 1. THE SENIOR GEOLOGIST,
DISTRICT OFFICE, MINING AND GEOLOGY DEPARTMENT,
KESAVA NIKETHAN, ASRAMOM, KOLLAM-691 002.**
- 2. THE DIRECTOR,
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695 004.**

BY SR. GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 :** TRUE COPY OF THE SALE DEED DATED 08-01-2002 REGISTERED IN THE SASTHAMKOTTA SUB REGISTER OFFICE OF THE 1ST PETITIONER.
- P1(A) :** TRUE COPY OF THE SALE DEED DATED 08-01-2002 REGISTERED IN THE SASTHAMKOTTA SUB REGISTER OFFICE, OF THE 2ND PETITIONER.
- P2 :** TRUE COPY OF THE SALE DEED ENTERED INTO BETWEEN SHAJI AND AYISHA AND GOPALAN DATED 03-03-2000.
- P3 :** TRUE COPY OF THE NOTICE DATED 07-11-2012 ISSUED TO SHAJI BY THE 1ST RESPONDENT.
- P4 :** TRUE COPY OF THE WRITTEN SUBMISSION DATED 03-12-2012 BY MR.SHAJI BEFORE THE 1ST RESPONDENT.
- P5 :** TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 01-06-2015 TO THE PETITIONERS.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No. 19890 of 2015

Dated this the 20th day of July, 2015

J U D G M E N T

Ext.P5 is the demand notice issued with respect to the penalty and royalty imposed on the petitioner. The essential contention raised by the petitioner before this Court is that there is violation of principles of natural justice insofar as there is no proper quantification and no opportunity of hearing was afforded. In such circumstance, Ext.P5 shall be considered as a notice and the officer who issued the same shall consider the objections of the petitioner and afford them a hearing before a demand is made. The petitioner shall appear before the officer on 30.07.2015, on which date, the officer shall intimate a date of hearing and shall accept the objections which shall be filed on such date and orders passed within a period of one month from the date of hearing.

It is made clear that this Court has not made any observations on the merits of this case. Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge