

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 20036 of 2015 (D)

PETITIONER(S):

**JYOTHISH KUMAR M.,
S/O. SANKARAN NAIR, SANKAR VILAS, POOVATHIKKAL POST,
AREACODE VIA, MALAPPURAM DISTRICT 673 639.**

BY ADV. SRI.KOSHY GEORGE

RESPONDENT(S):

- 1. THE URANGATTIRI GRAMA PANCHAYATH,
URANGATTIRI, AREAKODE,
MALAPPURAM DISTRICT 676 369,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
URANGATTIRI GRAMA PANCHAYATH,
URANGATTIRI, AREAKODE,
MALAPPURAM DISTRICT 676 369.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE OF THE ORDER OF THE DIRECTOR OF MINING
AND GEOLOGY DATED 3-7-2014
- EXHIBIT P2 TRUE COPY OF THE LETTER DATED 11-09-2014 ISSUED BY DISTRICT
POLICE CHIEF TO DISTRICT COLLECTOR,MALAPPURAM
- EXHIBIT P3 TRUE COPY OF THE REPORT DATED 30-12-2014 BY THE
THAHASILDAR TO DISTRICT COLLECTOR,MALAPPURAM
- EXHIBIT P4 TRUE COPY OF THE LICENSE IN FORM NO -LE3 OF EXPLOSIVES
RULES,2008 DATED 17-06-2015
- EXHIBIT P5 TRUE COPY OF THE CONSENT ISSUED BY THE KERALA STATE
POLLUTION CONTROL BOARD DATED 27-06-2015
- EXHIBIT P6 TRUE COPY OF THE RECEIPT DATED 18-10-2014 ISSUED BY THE
PANCHAYATH ON RECEIVING THE APPLICATION

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20036 of 2015

Dated this the 3rd day of July, 2015.

JUDGMENT

The petitioner is aggrieved by the non-consideration of the application for D & O licence of the petitioner.

2. The petitioner intended to start a quarry in 5 Ares of property taken on lease from another person. The petitioner alleges that the proposed quarry is situated in a less inhabited area and there is no house within a radius of 500 meters. The nearest road is situated 2 kilometers away and the only way to the said property is a private road of which the petitioner is the only beneficiary. Ext.P1 is the proceedings of the Mining & Geology Department granting permit to start the unit. The petitioner remitted rent and royalty and executed deed. Ext.P4 is the No Objection Certificate issued for using explosives. Ext.P5 is the consent given by the Pollution Control Board for operating the quarry. Thus, the petitioner obtained all requisite licences. The petitioner submitted application before the respondent panchayat for getting D & O licence on 18.10.2014 to which Ext.P6 receipt was issued by the

panchayath. However, till date no decision is taken by the panchayat; it is alleged. It is with this background, the petitioner has come up before this Court.

3. When the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent panchayat to consider the petitioner's application within a time frame.

4. Considering the nature of the submissions and the nature of the relief sought for, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondents.

Therefore, the writ petition is disposed of directing the respondents panchayat to take a decision on Ext. P6 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, copy of the application and the copy of this judgment before the respondents panchayat at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE