

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 20398 of 2015 (Y)

PETITIONER:

**R.MADHU, ASHWIN NIVAS,
VENGODE P.O, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPT. OF INDUSTRIES AND COMMERCE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DIRECTOR. MINING AND GEOLOGY.
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O,
THIRUVANANTHAPURAM - 695 004.**
- 3. THE DISTRICT GEOLOGIST
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O,
THIRUVANANTHAPURAM - 695 004.**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 20398 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE QUARRYING PERMIT DATED 8/02/12.

EXHIBIT P2 : TRUE COPY OF TAHSILDAR'S REPORT DATED 4/1/12.

EXHIBIT P3 : TRUE COPY OF THE LETTER DATED 24/01/12 BY THE
THIRUVANANTHAPURAM CORPORATION.

EXHIBIT P4 : TRUE COPY OF THE JUDGMENT DATED 3/12/214 IN WP 897/14.

EXHIBIT P4 : TRUE COPY OF THE NOC DATED 19/02/15 BY ADM.

EXHIBIT P6 : A TRUE COPY OF THE JUDGMENT DATED 18/6/2015 IN THE
WPC 17462/2015.

EXHIBIT P7 : TRUE COPY OF THE COMMUNICATION DATED 10/6/2015.

RESPONDENTS' ANNEXURES: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 20398 of 2015

Dated this the 09th day of September, 2015

JUDGMENT

The petitioner challenging Ext.P7 has approached this Court. By Ext.P7, Geologist informed the petitioner that the petitioner's application for quarrying permit cannot be considered on account of the reason that the petitioner is involved in Crime No.1056/2011 and also for the reason that the petitioner in earlier occasion conducted the quarrying by using explosive without obtaining licence.

2. The petitioner referred to Rule 51 of Kerala Minor Mineral Concession Rules, 2015 which reads as follows :

"Refusal for renewal of quarrying lease - Where an applicant for renewal of quarrying lease is convicted for illegal quarrying, and there are no interim orders of any court of law suspending the operation of the order of such conviction in appeals pending against such conviction in any court of law, the Government or the competent authority may, after giving such applicant an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to renew such quarrying lease."

The above provision refers refusal of renewal on the ground of conviction for illegal quarrying. In Ext.P7, Geologist has no case that the petitioner has been convicted for illegal quarrying. In that view of the matter, the objections based on the criminal case is unsustainable. Further, merely because of the earlier occasion, the petitioner has used explosive substance in quarrying without licence cannot be a reason to deny the consideration of the application in accordance with law.

3. If the petitioner has submitted all the requisite documents for consideration, the application shall be considered in accordance with law. In that view of the matter, Ext.P7 is set aside. Needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr