

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 20709 of 2015 (K)

PETITIONER :

**SHOBY CHACKO, AGED 40 YEARS,
KONDU PARAMBIL, KOOMBANPARA,
MANNAMKANDAM VILLAGE, ADIMALI.**

**BY ADVS.SRI.SHAJI THOMAS
SRI.BINU PAUL**

RESPONDENTS :

**1. THE SECRETARY
ADIMALY GRAMA PANCHAYATH, ADIMALY P.O.
IDUKKI DISTRICT - 685 561.**

**2. ADIMALY GRAMA PANCHAYATH
ADIMALY P.O., IDUKKI DISTRICT
REPRESENTED BY ITS SECRETARY - 685 561.**

BY SRI. LATHEESH SEBASTIAN,SC,

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE LICENSE ISSUED BY THE SECRETARY OF THE 1ST RESPONDENT GRAMA PANCHAYATH DT. 27.6.13, NO. C-406/2013-2014.
- P2: TRUE COPY OF THE LETTER OF INTENT NO. DOI/887/M/15 DT. 24.6.15 ISSUED FROM THE SENIOR GEOLOGIST, MINING AND GEOLOGY, DISTRICT OFFICE, IDUKKI.
- P3: TRUE COPY OF THE LICENSE ISSUED FROM THE JOINT CHIEF CONTROLLER OF EXPLOSIVES, SOUTH CIRCLE DT. 08.6.12.
- P4: TRUE COPY OF THE CONSENT TO OPERATION DT. 26.6.15 CONSENT NO. PCB/IDK/CO/228/2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- P5: TRUE COPY OF THE APPLICATION DT 27.6.15 SUBMITTED BEFORE THE OFFICE OF THE RESPONDENTS.
- P6: TRUE COPY OF THE CASH RECEIPT DT. 30.6.15 ISSUED FROM THE OFFICE OF THE RESPONDENTS.
- P7: TRUE COPY OF THE CASH RECEIPT DT. 30.6.15 ISSUED FROM THE OFFICE OF THE RESPONDENTS.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20709 of 2015

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Dated this the 9th day of July, 2015

JUDGMENT

Alleging that the respondent panchayat has not passed orders on the petitioner's application for renewal of quarrying licence, the petitioner has come up before this Court.

2. The petitioner alleges that he has got valid licences/ permissions/NOCs from various statutory authorities to conduct quarrying operations. The petitioner submitted Ext.P5 application before the first respondent under the Kerala Panchayat Raj Act with necessary documents to renew the licence to carry out quarrying operations. After verifying the documents, the respondent panchayat has accepted the licence fee towards the renewal of licence.

3. The petitioner further alleges that subsequently, he was informed by the respondent panchayat that the application for renewal cannot be considered for the reason that the Standing

Committee Chairman of the panchayat has issued an oral direction to the respondents not to take any decision on the application for renewal.

4. The petitioner points out that as per the provisions of the Kerala Panchayat Raj Act, the Secretary of the respondent panchayat is the only competent authority to pass an order on the application in question. The petitioner further points out that Standing Committee Chairman of the respondent panchayat has no power to pass an order on Ext.P5 application. The petitioner further alleges that the panchayat is duty bound to pass an order on Ext.P5 within the stipulated time after verification of the records. It is with this background, the petitioner has come up before this Court.

5. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent panchayat.

6. Considering the allegations in the writ petition and the nature of the submission, this writ petition is disposed of directing

the respondent panchayat to consider the petitioner's application for renewal within a period of three weeks from the date of receipt of a copy of this judgment after affording the petitioner an opportunity of being heard.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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