

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 22595 of 2015 (Y)

PETITIONER(S):

**SHAJI, S/O.VISWAMBARAN, AGED 50 YEARS,
PROPRIETOR, AMMA CLAY WORKS,
NORTH THORAVU, PUDUKKAD P.O., THRISSUR DISTRICT,
REPRESENTED BY POWER OF ATTORNEY HOLDER SHIBU,
S/O.VISWAMBARAN, AGED 46 YEARS, ARAKKAMPARAMBIL,
NELLAYI P.O., MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT-680 001.**
- 2. THE DIRECTOR,
MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM-695 001.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1: TRUE COPY OF THE MINING PERMIT DATED 13.05.2011 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.
- EXHIBIT-P2: TRUE COPY OF THE LICENCE ISSUED BY THE SECRETARY, NENMANIKKARA GRAMA PANCHAYATH DATED 09.04.2013 TO THE PETITIONER.
- EXHIBIT-P3: TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE DISTRICT INDUSTRIES CENTRE TO THE PETITIONER.
- EXHIBIT-P4:(A,B,C,D): TRUE COPY OF THE P FORMS (4 NOS.) ISSUED BY THE FIRST RESPONDENT DATED 28.05.2011 TO THE PETITIONER.
- EXHIBIT-P5: TRUE COPY OF THE P FORM ISSUED BY THE FIRST RESPONDENT DATED 27.05.2011 TO THE PETITIONER.
- EXHIBIT-P6(A,B,C): TRUE COPY OF THE P FORMS (3 NOS.) ISSUED BY THE FIRST RESPONDENT DATED 26.05.2011 TO THE PETITIONER.
- EXHIBIT-P7(A,B,C,D,E): TRUE COPY OF THE P FORMS (5 NOS.) ISSUED BY THE FIRST RESPONDENT DATED 25.05.2011 TO THE PETITIONER.
- EXHIBIT-P8: TRUE COPY OF THE P FORM ISSUED BY THE FIRST RESPONDENT DATED 12.05.2011 TO THE PETITIONER.
- EXHIBIT-P9(A,B,C): TRUE COPY OF THE P FORMS (3 NOS.) ISSUED BY THE FIRST RESPONDENT DATED 24.05.2011 TO THE PETITIONER.
- EXHIBIT-P10: TRUE COPY OF THE P FORM ISSUED BY THE FIRST RESPONDENT DATED 22.05.2011 TO THE PETITIONER.
- EXHIBIT-P11(A,B): TRUE COPY OF THE P FORMS (2 NOS) ISSUED BY THE FIRST RESPONDENT DATED 24.05.2011 TO THE PETITIONER.
- EXHIBIT-P12: TRUE COPY OF APPLICATION DATED 15.07.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22595 of 2015

Dated this the 2nd day of September, 2015

JUDGMENT

The petitioner was given Ext.P1 permit under the Kerala Minor Mineral Concession Rules, 2015. The petitioner claims that he has closed the Unit and now wants to transport the clay in the premises to any other places. The petitioner, therefore, seeks a direction to issue O(A) forms to the petitioner to transport the clay stored in the premises.

2. Learned Government Pleader submits that the petitioner has only produced twenty passes and he can only transport those quantities referred in the “P” forms.

3. In this matter, a statement has been filed by the first respondent. In paragraph 3 of the statement, stated as follows:

“On verification of the “P” forms submitted along with the writ petition, it is noticed that the petitioner has produced only 20 “P” forms in proof of stocking ordinary clay in the petitioner's property. The submitted “P” forms are not sufficient in proof of stocking 1400 m³ of ordinary clay. At the time of inspection the petitioner could not

produce any additional "P" forms in proof of the excess stock of ordinary clay found in the petitioner's property. Hence this respondent is of the view that the excess clay found in the petitioner's property was stocked illicitly."

4. The petitioner submits that he can produce more forms before this Court. If that be so, the petitioner is free to produce the same before the Geologist. However, if the petitioner is unable to produce the entire "P" forms to show the quantity of 1400 m³, the Geologist is free to compound the offence for the excess quantity if the petitioner is willing in accordance with law. Necessary action shall be taken by the Geologist within a period of two weeks. In case, the petitioner compounds, necessary O(A) forms shall be issued.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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