

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).NO. 24415 OF 2015 (B)

PETITIONER(S) :

DAVASSIA.V.D
VELLIYATH HOUSE, TALAPUZHA P.O., MANANTHAVADY
WAYANAD DISTRICT - 670 644.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT(S) :

1. THE GEOLOGIST
DISTRICT OFFICE DEPARTMENT OF MINING AND GEOLOGY
MEENANGADI, WAYANAD - 673 591.

2. THE DIRECTOR OF MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM P.O., THIRUVANANTHAPURAM - 4.

3. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF INDUSTRIES AND COMMERCE, ROOM NO. 149
III FLOOR, NORTH BLOCK, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

4. THE DISTRICT COLLECTOR
WAYANAD DISTRICT-673591.

5. THE TAHSILDAR
MANANTHAVADY TALUK, WAYANAD DISTRICT-673644

*ADDL.6TH RESPONDENT IS IMPEADED:

ADDL.6. THE PRINCIPAL SECRETARY, DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM

*(ADDITIONAL 6TH RESPONDENT IS SUO MOTU IMPEADED AS PER ORDER DATED
07.09.2015)

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 24415 OF 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE LIST OF MINING PERMITS (AS ISSUED BY THE DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY, KANNUR) ISSUED TO THE PETITIONER FOR THE PERIOD FROM 30.12.1991 TO 03.12.1997

P2 - TRUE COPY OF THE LIST OF MINING PERMITS (AS ISSUED BY THE AS ISSUED BY THE DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY, WAYANAD) FOR THE PERIOD FROM 09.12.1998 TO 18.1.2011.

P3 - TRUE COPY OF THE NOTICE DT. 06.12.20110 ISSUED BY THE GEOLOGIST.

P4 - TRUE COPY OF THE NOTICE ISSUED BY THE GEOLOGIST DT. 11.4.2011.

P5 - TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER DT. 25.4.2011.

P6 - TRUE COPY OF THE COMMUNICATION NO. 3293/M4/2011 DT. 25/26-05-2011.

P7 - TRUE COPY OF THE NOTICE NO. DW/M-950/2010 DT. 30.4.2014.

P8 - TRUE COPY OF THE GO(RT) NO. 1398/14/ID DT. 11.12.2014.

P9- TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE OFFICE ON 27.2.2015.

P10 - TRUE COPY OF THE NOTICE NO DOW/M-950/2014 DT. 07.1.2015.

P11 - TRUE COPY OF THE DEMAND NOTICE/S DT. 23.7.2015.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.24415 of 2015

.....
Dated this the 7th day of September, 2015

J U D G M E N T

The petitioner, who was granted a quarrying lease in respect of various lands in Mananthavady Taluk at Wynad district, is aggrieved by Ext.P8 order whereby a finding was entered with regard to the quantity of granite building stone that was extracted by the petitioner from the land in question. Against Ext.P8 order, the petitioner has preferred an appeal before the additional 6th respondent and the fact of filing of the said appeal is evidenced by Ext.P9 acknowledgement that was received from the office of the additional 6th respondent. I note that, during the pendency of the writ petition, there was an order of status quo, against revenue recovery action that was initiated against the petitioner pursuant to Exts.P4 and P8 orders. In view of the fact that an appeal against Ext.P8 order is now pending before the additional 6th respondent, I dispose the writ petition with a direction to the additional 6th respondent to consider and pass orders on the said appeal within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. I make it clear that, the interim order granted by this Court shall continue to be in force till such time as orders are passed by the

additional 6th respondent as directed and communicated to the petitioner. The petitioner shall produce a copy of this writ petition, together with a copy of this judgment, before the additional 6th respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

