

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 26825 of 2015 (C)

PETITIONER(S):

**RAMDAS BABU, SON OF GOVINDAN,
PATTAMKUNNEL HOUSE, MANJOOR P.O.,
MANJOOR, KOTTAYAM DISTRICT- 686 603.**

**BY ADVS.SMT.ELIZABETH MATHAI IDICULLA,
SRI.RACHEL JOSEPH,
SRI.MOHAN IDICULLA ABRAHAM,
SRI.MARTIN D.ALUMKARA,
SMT.R.REMA MENON,
SMT.R.RAJASREE (CHUTTIMATTATHIL).**

RESPONDENT(S):

- 1. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT OFFICE, KOTTAYAM -686 002.**
- 2. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT OFFICE, KOTTAYAM- 686 002.**

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

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1. COPY OF THE PERMIT NO.285/OE/QP/2013-2014/1722/DOY/ML/2013
DATED 19.12.2013 ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT P2. COPY OF THE NOTICE NO.865/DOY/ML/2014 DATED 08.10.2014 ISSUED
BY THE 2ND RESPONDENT.**

EXHIBIT P3. COPY OF THE REPLY DATED 28.10.2014 SENT BY THE PETITIONER.

**EXHIBIT P4. COPY OF THE DEMAND NOTICE NO.865/DOY/ML/2014
DATED 18.08.2015 AND CHALAN ISSUED BY THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26825 of 2015

Dated this the 7th day of September, 2015

JUDGMENT

The petitioner, aggrieved by a demand for royalty and penalty, has approached this Court.

2. The allegation against the petitioner is that he has extracted and removed more earth than as permitted. The petitioner objected to the same by Ext.P3. It appears that there was no physical verification at the site in the presence of the petitioner.

This Court is of the view that treating the notice as a provisional demand, a site inspection shall be conducted by the first respondent in the presence of the petitioner and determine whether the petitioner has removed the earth in excess quantity. The first respondent is directed to pass appropriate orders thereon. It is made clear that no recovery shall be effected from the petitioner unless final order is passed as ordered above.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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