

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 27586 of 2015 (W)

PETITIONER :

**THANKAMMA PAULOSE
W/O. LATE PAULOSE, AGED 71 YEARS
POTTAYIL HOUSE, RAKKAD
MEKKADAMBU KARA, VALAKAM VILLAGE
MUVATTUPUZHA.**

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF INDUSTRIES, STATE SECRETARIAT
THIRUVANANTHAPURAM – 695 001.**
- 2. THE PRINCIPAL SECRETARY TO GOVT.,
DEPARTMENT OF INDUSTRIES, STATE SECRETARIAT
THIRUVANANTHAPURAM- 695 001.**
- 3. DEPUTY SECRETARY
DEPARTMENT OF INDUSTRIES
STATE SECRETARIAT,
THIRUVANANTHAPURAM – 695 001.**
- 4. GEOLOGIST
DEPARTMENT OF MINING & GEOLOGY
DISTRICT OFFICE, CIVIL STATION
KAKKANAD, KOCHI – 30.**
- 5. DEPUTY TAHSILDAR (RR)
MUVATTUPUZHA TALUK, MUVATTUPUZHA -686 661.**

R1 TO R5 BY GOVT. PLEADER SMT. LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE NOTICE DATED 12.12.2013 OF THE 4TH RESPONDENT.
- EXT.P2 COPY OF THE ORDER DATED 23.10.2014 OF THE 3RD RESPONDENT.
- EXT.P3 COPY OF THE MEMORANDUM OF APPEAL DATED 28.11.2014 FILED BEFORE THE 2ND RESPONDENT.
- EXT.P4 COPY OF THE STAY PETITION DATED 28.11.2014 FILED BEFORE THE 2ND RESPONDENT.
- EXT.P5 COPY OF THE CHELLAN RECEIPT REMITTING FEE FOR P3 & P4.
- EXT.P6 COPY OF THE REVENUE RECOVERY DEMAND NOTICE ISSUED BY THE 5TH RESPONDENT.
- EXT.P7 COPY OF THE ATTACHMENT NOTICE ISSUED BY THE 5TH RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 27586 of 2015

Dated this the 11th day of September, 2015

JUDGMENT

Aggrieved by Ext.P2 first appellate order of the 3rd respondent under the Kerala Minor Mineral Concession Rules, 1967, the petitioner has preferred Ext.P3 second appeal along with Ext.P4 stay petition before the 2nd respondent. It is the case of the petitioner that even before the consideration of the appeal and stay petition by the 2nd respondent, recovery steps have been initiated against him through Exts.P6 and P7 revenue recovery notices, for recovery of the amounts confirmed against the petitioner.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P3 second appeal preferred by the petitioner, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. It is made clear that, till such time as orders are passed by the 2nd respondent as directed

and communicated to the petitioner, the recovery steps initiated pursuant to Exts.P6 and P7 shall be kept in abeyance. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 2nd respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das