

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 29434 of 2015 (D)

PETITIONER(S):

**EMMANUEL THOMAS, AGED 56 YEARS,
S/O.K.V.THOMAS, KUTTOMPARAMBIL HOUSE,
MARAVANTHURUTHU P.O., VAIKOM,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.K.JAYARAJ NAMBIAR
SRI.E.RAFEEK**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DEPUTY SECRETARY,
INDUSTRIAL DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE SENIOR GEOLOGIST,
GEOLOGY DEPARTMENT, DISTRICT OFFICE,
KOTTAYAM - 686 002.**
- 4. THE TAHSILDAR, TALUK OFFICE,
VAIKOM, PIN - 686 141.**
- 5. THE VILLAGE OFFICER, VELLORE,
KOTTAYAM DISTRICT, PIN - 686 141.**

BY GOVERNMENT PLEADER SMT.LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 29434 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: THE TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENTS TO THE
PETITIONER DTD.19.1.2015.**

EXT.P2: THE TRUE COPY OF THE REPLY DTD.24.1.2015 TO THE 3RD RESPONDENT.

EXT.P3: THE TRUE COPY OF THE NOTICE DTD.23.7.2015 TO THE 3RD RESPONDENT.

**EXT.P4: THE TRUE COPY OF THE APPEAL NO.22691/A/2015 DTD.18.9.2015 BEFORE
THE 2ND RESPONDENT.**

**EXT.P5: THE TRUE COPY OF THE FORM NO.1 DEMAND NOTICE DTD.17.9.2015 UNDER
SECTION 7 OF REVENUE RECOVERY.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 29434 of 2015

Dated this the 29th day of September, 2015

JUDGMENT

Against Ext.P3 demand of royalty and fine under the Kerala Minor Mineral Concession Rules, 1967, the petitioner has preferred Ext.P4 appeal before the 2nd respondent. The learned counsel for the petitioner would submit that the appeal has been posted for hearing on 10.10.2015. The grievance in the writ petition is essentially that, even during the pendency of the appeal, the respondents have taken steps for recovery of the royalty amounts and fine amounts, that were confirmed against the petitioner by Ext.P3 order, by recourse to revenue recovery steps as evidenced by Ext.P5.

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.P4 appeal, within a period of one month from the date of receipt of a copy of this judgment, after hearing the

petitioner. Coercive steps for recovery, pursuant to Ext.P5 revenue recovery notice, shall be kept in abeyance, till such time as orders are passed by the 2nd respondent as directed and communicated to the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das