

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 31187 of 2015 (W)

PETITIONER :

**ALEYAMMA ABRAHAM @ DALIYA, AGED 47 YEARS,
W/O.ROY JOSEPH, PULLUKAYIL HOUSE,
NOW RESIDING AT MUNDATTIL PERUMBAIKAD P.O., KOTTAYAM.**

BY ADV. SRI.VIJAI MATHEWS

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
(MINING & GEOLOGY) DEPARTMENT OF INDUSTRIES,
SECRETARIAT, THIRUVANANTHAPURAM -686 001.**
- 2. DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM -686 001.**
- 3. GEOLOGIST
MINING AND GEOLOGY DEPARTMENT,
CIVIL STATION, KOTTAYAM-686002.**
- 4. TAHSILDAR, KOTTAYAM - 686 001**
- 5. VILLAGE OFFICER, ATHIRAMPUZHA
KOTTAYAM - 686 562.**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE BUILDING PERMIT ISSUED BY SECRETARY
ATHIRAMPUZHA GRAMA PANCHAYATH DATED 4.03.2015.
- P2: TRUE COPY OF THE BUILDING PLAN APPROVED BY THE SECRETARY,
ATHIRAMPUZHA GRAMAPANCHAYATH DATED 4.3.2015.
- P3: TRUE COPY OF THE ORDER ISSUED BY THE DISTRICT GEOLOGIST,
DATED 8.9.2015
- P4: TRUE COPY OF THE NOTICE ISSUED BY THE 5TH RESPONDENT
DATED 14.9.2015
- P5: TRUE COPY OF THE NO OBJECTION ISSUED BY SRI.SHAJI P THOMAS
DATED 14.9.2015
- P6: TRUE COPY OF THE REPRESENTATION DATED 15.09.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.31187 of 2015

Dated this the 20th day of October, 2015

JUDGMENT

The petitioner, aggrieved by a notice issued by the Village Officer, has approached this Court.

2. According to the petitioner, she was granted permission as per Ext.P3 to mine ordinary earth from the land referred in the permit. It appears that the petitioner has violated conditions in the permit, the Village Officer has issued notice.

3. This Court is of the view that if the petitioner has violated the conditions in the permit, the Village Officer ought to have brought to the notice of the Geologist. The Village Officer should not have passed an order like Ext.P4. It is for the Geologist to take any action against the petitioner, if the petitioner has violated any permit conditions. Therefore, the Village Officer is directed to report the matter before the Geologist. The Geologist will take appropriate decision in accordance with law.

4. In view of the above facts and circumstances, the Village Officer cannot take any decision. Therefore, the prohibition order is set aside without prejudice to the Geologist's right to proceed against the petitioner if she has violated permit conditions.

It is submitted that the period of the permit is over. If the petitioner approaches the Geologist for renewal, the same shall be considered after adverting to the Village Officer's report.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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