

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 32207 of 2015 (A)

PETITIONER :

**M/S.K.K.ROCKS & GRANITES INDIA (P) LTD.,
KOTTACKAL, TC 2/3497, PATTOM,
THIRUVANANTHAPURAM-695 004
REPRESENTED BY ITS MANAGING DIRECTOR,
SRI.ARUN VARGHESE.**

**BY SRI.BECHU KURIAN THOMAS,SENIOR ADVOCATE
ADV. SRI.ENOCH DAVID SIMON JOEL**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF MINING AND GEOLOGY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR,
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM-695 004.**
- 3. DISTRICT GEOLOGIST,
DISTRICT OFFICE, KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695 004.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 32207 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE QUARRYING LEASE DTD. 28.7.2004 ISSUED TO THE PETITIONER VALID TILL 27.7.2014.**
- P2 : COPY OF THE APPLICATION FOR QUARRYING PERMIT SUBMITTED BY THE PETITIONER RELATING TO SY.NO.52/3.**
- P2(A): COPY OF THE APPLICATION FOR QUARRYING PERMIT SUBMITTED BY THE PETITIONER RELATING TO SY.NO.53/3-2.**
- P2(B): COPY OF THE APPLICATION FOR QUARRYING PERMIT SUBMITTED BY THE PETITIONER RELATING TO SY.NO.53/3-1.**
- P3 : COPY OF THE CERTIFICATE DTD. 5.10.2015 ISSUED BY THE TAHSILDAR, NEYYATTINKARA.**
- P4 : COPY OF A SAMPLE ASSIGNMENT DEED RELATING TO THE PROPERTY.**
- P5 : COPY OF THE ORDER DTD. 23.5.2012 IN WPC NO.10238/2012.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.32207 of 2015

Dated this the 2nd day of November, 2015

JUDGMENT

The petitioner submitted Ext.P2 series of applications before the third respondent for quarrying permit. The land in question was assigned to the petitioner. The petitioner refers to Ext.P4 Patta, the format in which the petitioner, the land was assigned to the petitioner.

2. The petitioner submits that when quarrying lease is given, there cannot be any restriction for extracting minor minerals on payment of royalty to the Government. The petitioner also refers to the order of this Court as per Ext.P5. In Ext.P5, this Court ordered that the petitioner shall not be obstructed from quarrying operation in the property in Survey Nos.61/4, 49/3 and 54/1 in Block No.4 of Pallichal Village. The petitioner submits that the present application is in respect of adjacent survey number obtained under the same assignment. The petitioner also submits that the third respondent is insisting for production of certificate

showing that the land is not assigned for special purposes. Therefore, de hors the fact that the property has been assigned for rubber cultivation, the applications shall be considered.

3. The learned Government Pleader submits that Exts.P2 series of applications were received only on the day on which the writ petition was moved and there was no such insistence, the applications are under process.

This Court is of the view that considering the facts and circumstances, the applications shall be considered if otherwise satisfies the eligibility for quarrying permit, de hors the fact that it has been assigned by the Government for rubber cultivation. The petitioner need not produce any certificate showing that it has been assigned for special purposes in the light of the fact that the quarrying lease was given as per Ext.P1 and by other leases. Needful shall be done within two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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