

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 32324 of 2015 (M)

PETITIONER(S):

**SUNOJ, AGED 38 YEARS,
W/O.DILEEP, RESIDING AT CHIRAYIL HOUSE, PALLAM KARA,
PALLAM P.O, KOTTAYAM TALUK, KOTTAYAM DISTRICT,
REPRESENTED BY POWER OF ATTORNEY HOLDER M.C.JOSEPH,
S/O.CHACKO, AGED 65 YEARS, RESIDING AT MANNARAMATTATHIL HOUSE,
VELIYANOOR P.O, VELIYANOOR DESOM, VELIYANOOR VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,
KOTTAYAM DISTRICT. 686 576.**
- 2. THE VILLAGE OFFICER,
VELIYANNUR VILLAGE, KOTTAYAM DISTRICT. 686 576.**
- 3. THE DIRECTOR,
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM 695 001.**
- 4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE BUILDING PERMIT DATED 4.4.14 ISSUED BY THE SECRETARY VELIYANNUR GRAMA PANCHAYATH.**
- EXHIBIT P2. COPY OF THE PHOTOGRAPHS OF PROPERTY OF PETITIONER WITH BROKEN OLD BUILDING.**
- EXHIBIT P3. COPY OF THE ORDER ISSUED BY THE IST RESPONDENT DATED 6.11.14.**
- EXHIBIT P4. COPY OF THE ORDER DATED 30.12.14 ISSUED BY THE IST RESPONDENT.**
- EXHIBIT P5. COPY OF THE NEWS ITEM PUBLISHED IN KERALA BHUSHANAM DAILY DATED 3.1.15.**
- EXHIBIT P6. COPY OF THE CERTIFICATE DATED 5.1.15 ISSUED BY CONSULTANT ENGINEER OF PETITIONER.**
- EXHIBIT P7. COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 16.1.15 IN WPC 1176/15.**
- EXHIBIT P8. COPY OF THE OBJECTION DATED 31.1.15 SUBMITTED BY THE PETITIONER BEFORE THE IST RESPONDENT.**
- EXHIBIT P9. COPY OF THE NOTICE DATED 17.9.15 ISSUED BY THE IST RESPONDENT.**
- EXHIBIT P10. COPY OF THE CHELAN WITHOUT DATED ISSUED BY THE IST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.32324 of 2015

Dated this the 9th day of November, 2015

JUDGMENT

The petitioner, challenging an order passed by the Senior Geologist, has approached this Court.

2. By the above order, the petitioner has been directed to remit certain amount towards royalty and fine totalling Rs.2,08,000/-. The petitioner's case is that he has not given an opportunity. This Court as per Ext.P7 judgment, directed the petitioner to raise objection.

3. It is submitted by the learned Government Pleader that the petitioner has not raised any objection.

Considering the facts and circumstances, this Court is of the view that substantial justice demands the petitioner should be given an opportunity. Accordingly, the following directions are issued:

- i. Ext.P9 shall be treated as provisional order.
- ii. The petitioner shall appear before the Senior Geologist on 25.11.2015 with objections.

iii. Thereafter, after hearing the petitioner and
adverting to the objections, appropriate order shall
be passed by the Senior Geologist.

iv. Till a decision is taken, status quo shall be
maintained.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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