

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 33017 of 2015 (B)

PETITIONER(S):

**VASUNDHARAN NAIR AGED 63 YEARS,
"PRANAVAM",
VILAYOORKKAL,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.BECHU KURIAN THOMAS (SR.)
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.GEORGE A.CHERIAN**

RESPONDENT(S):

- 1. PALLICHAL GRAMA PANCHAYAT,
VEDIVECHANKOVIL P.O.,
BALARAMAPURAM,
THIRUVANANTHAPURAM 695 501.
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
PALLICHAL GRAMA PANCHAYAT
VEDIVECHANKOVIL P.O.,
BALARAMAPURAM,
THIRUVANANTHAPURAM 695 501.**

BY SRI.T.K.ANANDA KRISHNAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-10-2015, ALONG WITH W.P.(C) NO. 33032/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

ds

APPENDIX

PETITIONER(S) EXHIBITS:

- EXT.P1: COPY OF THE LETTER DATED 20.05.2015 ISSUED BY THE DISTRICT GEOLOGIST, THIRUVANANTHAPURAM.
- EXT.P1(a): COPY OF THE CONSENT DATED 05.08.2015 ISSUED TO THE PETITIONER BY THE POLLUTION CONTROL BOARD FOR CARRYING OUT QUARRYING OPERATIONS IN SY.NO.41/2.
- EXT.P1(b): COPY OF THE EXPLOSIVE LICENCE DATED 06.09.2011 ISSUED TO THE PETITIONER VALID TILL 31.03.2016.
- EXT.P2: COPY OF THE APPLICATION DATED 10.08.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P2(a): COPY OF THE RECEIPT DATED 10.08.2015 ISSUED BY THE 2ND RESPONDENT.
- EXT.P3: COPY OF THE S.R.O. NO. 671/2015 DATED 05.10.2015.
- EXT.P4: COPY OF THE QUARRYING PERMIT DATED 11.05.2011 VALID TILL 11.05.2012 ISSUED TO THE PETITIONER.
- EXT.P5: COPY OF the LETTER DATED 12.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P5(a): COPY OF THE RECEIPT DATED 12.10.2015 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

//True copy//

P.A. to Judge

P.BHAVADASAN, J.

W.P.(C) Nos. 33017 & 33032 of 2015

Dated this the 30th day of October, 2015

J U D G M E N T

The limited prayer in these writ petitions is for consideration of Ext.P2 application in the light of amendment brought about to the Kerala Mines and Minerals (Development and Regulation) Act, 1957 by way of notification as G.O.(P) No. 144/2015/ID dated 5.10.2015. The petitioner points out that the certificate which was earlier necessary is no longer necessary in view of the amendment of the rules concerned. The petitioner therefore prays that even though he had submitted a representation pointing out the above facts, still the application for license has not been considered.

2. The petitioner now prays that there may be a direction to the Panchayat to consider the application in accordance with rules especially, taking note of the amendment made mention of.

These petitions are disposed of directing the second respondent to consider Ext.P2 application in accordance with law especially, in view of the amendment brought about to the Kerala Minor Mineral Concession (Second Amendment) Rules, 2015 produced as Ext.P3 in these petitions within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

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//True copy//

P.A. to Judge