

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).NO. 35190 OF 2014 (W)

PETITIONER(S):

**PUSHPARAJAN, AGED 48 YEARS
KALLUVILAYIL HOUSE, EDAKKUNNAM, CHARUMMOOD
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS:

- 1. THE GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE,
ALAPPUZHA.**
- 2. THE SUB INSPECTOR OF POLICE,
NOORANAD POLICE STATION, NOORANAD, ALAPPUZHA-690504.**
- 3. THE SECRETARY,
NOORANAD GRAMA PANCHAYATH, NOORANAD, ALAPPUZHA-690504.**

R1& 2 BY GOVERNMENT PLEADER SRI. M. MUHAMMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 35190 OF 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1- TRUE COPY OF THE QUARRYING PERMIT DATED 20/10/2014 ISSUED
BY THE 1ST RESPONDENT HAVING VALIDITY TILL 09/02/2015**

**EXT.P2- TRUE COPY OF THE CONSENT LETTER ISSUED BY THE NEIGHBOURS OF
THE PETITIONER BEFORE THE 1ST RESPONDENT**

**EXT.P3- TRUE COPY OF THE CHALLAN DATED 20/10/2014 EVIDENCING
PAYMENT OF RS.100008/-BY THE PETITIONER UNDER CRPS**

**EXT.P4- TRUE COPY OF THE CASH MEMORANDUM IN FORM P OF THE KERALA
MINOR MINERAL CONCESSION RULES ISSUED ON 18/12/2014 AT 4.40 PM
NOTING VEHICLE NUMBER KL 02 X 1169.**

**EXT.P5- TRUE COPY OF THE STOP MEMO DATED 10/12/2014 BUT SERVED ON THE
PETITIONER ON 18/12/2014 ISSUED BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

OKB

TRUE COPY

P.A. TO JUDGE

K.HARILAL, J.

W.P(C). No.35190 of 2014

Dated this the 10th day of February, 2015

JUDGMENT

The petitioner is the owner of a property having an extent of 7.04 Ares in Sy.No.354/13 of Nooranad Village of Mavelikkara Taluk. Ext.P1 quarrying permit had been issued to him by the 1st respondent under sub-rule 1 and 1A of Rule 4 of the Kerala Minor Mineral Concession Rules, 1967, for extraction of laterite stones. Ext.P2 is the consent given by neighbouring property owners stating that they have no objection to extraction of laterite building stones from the said property. The petitioner vide Ext.P3 has remitted a sum of Rs.10,008/- towards CRPS. Thus, the petitioner has right to conduct quarrying of laterite stones as permitted under Ext.P1.

2. The petitioner had hired a goods carrier truck bearing Reg. No.KL-02/X-1169 for transporting the stones extracted under Ext.P1 quarrying permit from the said property. He has obtained necessary pass in form-P authorised by the 2nd respondent to transport laterite stones by the above vehicle. While the vehicle

was proceeding under Ext.P4 pass the same was intercepted by the 3rd respondent being the Secretary of the Nooranad Grama Panchayat and she insisted production of consent of the Panchayat so as to quarry laterite stones. According to the 3rd respondent, quarrying was conducted without obtaining permit from the Panchayat. So the vehicle is liable to be seized and kept in custody. In the above circumstances, this writ petition is filed seeking a direction to the respondents 2 and 3 to release the vehicle bearing Reg. No.KL-02/X-1169 and also to quash Ext.P5 stop memo.

3. Heard the learned counsel for the petitioner and the learned Government Pleader. The learned counsel for the petitioner submits that after filing of this writ petition, the said vehicle had been released by the respondents 2 and 3. The petitioner has no case that he has obtained statutory licence from the 3rd respondent Panchayat. Therefore, the petitioner is liable to obtain necessary licence from the Panchayat and I cannot find fault with the 3rd respondent in the issuance of Ext.P5 stop memo. But going by the averments in the writ petition itself, it could be seen that Ext.P1 permit granted by the 1st respondent has expired on 9/2/2015. The learned counsel further submits that the

petitioner has preferred an application for renewal of the permit and the same is pending before the 1st respondent for consideration. In short, at present the petitioner has no quarrying permit.

4. In view of the above submission, I find that now the matter in issue itself has become infructuous by the expiry of the permit and release of the vehicle. Since the petitioner has no valid permit at present the matter does not require consideration on merits.

In the result, this writ petition is dismissed.

Sd/-
(K.HARILAL, JUDGE)

okb.