

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 36108 of 2015 (K)

PETITIONER(S):

**JOHN JOSEPH, S/O.JOSEPH, AGED 47 YEARS, AGED 47 YEARS
THRIKKOYIKKAL HOUSE, KURUNPANADAM MURI, MADAPPALLY,
MADAPPALLY VILLAGE, CHANGANASSERRY TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DEPUTY SECRETARY, INDUSTRIAL DEPARTMENT,
(MINING AND GEOLOGY),
THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT COLLECTOR, KOTTAYAM,
KOTTAYAM DISTRICT-686 001.**
- 4. THE REVENUE DIVISIONAL OFFICER, KOTTAYAM,
CHANGANASSERRY TALUK, KOTTAYAM DISTRICT-686 101.**
- 5. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
CHANGANASSERRY TALUK, KOTTAYAM DISTRICT-686 101.**
- 6. THE VILLAGE OFFICER, MADAPPALLY VILLAGE,
CHANGANASSERRY TALUK,
KOTTAYAM DISTRICT-686 101.**
- 7. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT-686 001.**

BY GOVERNMENT PLEADER SMT.LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 36108 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: THE TRUE COPY OF THE PERMIT ORDER NO.120/2015-16/1112/DOY/ML/2015
ISSUED BY THE 7TH RESPONDENT DATED 06.5.2015.**

**EXT.P2: THE TRUE COPY OF THE PROHIBITORY ORDER NO.B10-6670/2015 DATED
08.06.2015 ISSUED BY THE TAHSILDAR, CHANGANASSERRY.**

**EXT.P3: THE TRUE COPY OF THE ORDER NO.112/DOY/ML/2015 DATED 23.07.2015
ISSUED BY THE 7TH RESPONDENT.**

**EXT.P4: THE TRUE COPY OF THE DEMAND NOTICE AND NOTICE OF DEMAND PRIOR
TO ATTACHMENT OF LAND NO.2015/1045/5/100 DATED 28.09.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 36108 of 2015

Dated this the 1st day of December, 2015

JUDGMENT

The challenge in the writ petition is against the recovery steps initiated against the petitioner under the Kerala Revenue Recovery Act by Ext.P4 demand notice, for recovery of amounts confirmed against the petitioner by Ext.P3 order. It is submitted by counsel for the petitioner that against Ext.P3 order, he has a right of appeal under Rule 19 of the Kerala Minor Mineral Concessional Rules, 2015, before the Deputy Secretary (Industries), Government of Kerala. The prayer of the petitioner is for a stay of recovery proceedings for a limited period so as to enable the petitioner to pursue his appellate remedy under the Kerala Minor Mineral Concessional Rules, 2015.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I direct that recovery steps pursuant to Ext.P4 demand notice under the Kerala Revenue Recovery Act, shall be kept in abeyance for a period of

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one month from the date of receipt of a copy of this judgment, so as to enable the petitioner to pursue his appellate remedy against Ext.P3 order.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /1.12.15