

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 36292 of 2015 (J)

PETITIONER:

**PRAKASAN, S/O.KUTTAPPAN, AGED 53 YEARS,
MOOTHEDATH HOUSE, MEVALLOOR DESOM,
MEVALLOOR VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT, PIN-686 609.**
- 2. THE DIRECTOR OF MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, THIRUVANANTHAPURAM.**
- 3. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**
- 4. THE VILLAGE OFFICER, VELLOOR VILLAGE,
KOTTAYAM DISTRICT, PIN-686609.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

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

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1. TRUE COPY OF THE NOTICE DATED 18/11/2011 ISSUED BY THE 1ST RESPONDENT.
- EXT.P2. TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 7/12/2015.
- EXT.P3. TRUE COPY OF THE DEMAND NOTICE DATED 6/5/2015 ISSUED BY THE 1ST REPENDENT TO THE PETITIONER.
- EXT.P4. TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 12/5/2015 IN WPC NO.14482/2015.
- EXT.P5. TRUE COPY OF OBJECTION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P6. TRUE COPY OF THE ADDITIONAL OBJECTION DATED 28/9/2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P7. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT DATED 15/9/2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.36292/2015**

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Dated this the 1st Day of December, 2015

J U D G M E N T

The petitioner has been served with a notice alleging illegal sand mining in the property belonging to the petitioner. However, the proceedings appears to have been initiated imposing claim for royalty as well as fine.

2. The petitioner now has been asked as per Exhibit P7 not to fill the pit formed in the area. The petitioner submits that he is prepared to fill the pit formed in the area in the presence of the Geologist after the survey conducted by the Taluk Surveor in that area. The petitioner submits that he is legally liable to fill the pit.

3. Considering the facts and circumstances, the following directions are issued:

The first respondent,shall either with the assistance of the Taluk Surveyor or with the assistance of the Village Officer shall permit the

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-:2:-

petitioner to fill the pit formed in the petitioner's property with ordinary sand or overburdened quarry waste. Appropriate steps in this regard shall be taken within a period of one month.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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