

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 36610 of 2015 (A)

PETITIONER(S):

**NASAR. C.,
S/O. KUNHI MUHAMMED, CHOMAYIL HOUSE,
KAMBALAKKAD P.O., WAYANAD DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S.,
SRI.NOBEL RAJU.**

RESPONDENT(S):

- 1. GEOLOGIST, DISTRICT OFFICE,
MINING AND GEOLOGY DEPARTMENT,
MEENANGADI, WAYANAD DISTRICT, PIN-673 591.**
- 2. THE DISTRICT COLLECTOR,
KALPETTA, WAYANAD DISTRICT, PIN-673 121.**
- 3. THE TAHSILDAR, TALUK OFFICE,
VYTHIRI TALUK, WAYANAD DISTRICT, PIN-673 576.**
- 4. THE VILLAGE OFFICER,
VILLAGE OFFICE, MUTTIL NORTH VILLAGE,
WAYANAD DISTRICT-673 122.**
- 5. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1. TRUE COPY OF THE CONSENT LETTER GRANTED TO THE PETITIONER BY SEEMNANDIRA JAIN DATED 03/06/2015.
- EXT.P2. A SKETCH DATED 29/01/2015 PREPARED BY THE 4TH RESPONDENT REFLECTING THE POSITION OF THE POND.
- EXT.P3. TRUE COPY OF THE CIRCULAR/GUIDELINES BEARING NUMBER 896/M3/2015 DATED 09/03/2015 ISSUED BY THE DIRECTORATE OF MINING AND GEOLOGY.
- EXT.P4. TRUE COPY OF THE REPORT DATED 23/03/2015 SUBMITTED TO THE 1ST RESPONDENT.
- EXT.P5. TRUE COPY OF THE DECISIONS TAKEN BY THE GOVERNING BODY OF THE MUTTIL GRAMA PANCHAYATH DATED 31/03/2015.
- EXT.P6. TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT BEARING NUMBER 113/2015-16 DATED 15/06/2015.
- EXT.P7. TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT BEARING NUMBER 160/2015-16 DATED 20/08/2015.
- EXT.P8. TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT BEARING NUMBER 225/2015-16 DATED 19/10/2015.
- EXT.P9. TRUE COPY OF THE APPLICATION DATED 16/11/2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36610 of 2015

Dated this the 10th day of December, 2015

JUDGMENT

The petitioner has been granted Ext.P1 consent for transporting ordinary sand removed from the pond. The petitioner approached this Court on account of non-consideration of his application for transit permit by the Geologist.

2. The District Collector, Wayanad noted that the large scale of ordinary sand deposited in the pond and many of the activities are done without obtaining environment clearance. Therefore, directed the authorities to stop the illegal mining in the Wayanad District. No doubt, the direction of the District Collector has to be followed if there is any illegal mining. Therefore, this case has to be verified with respect to the activities of the holder of consent.

The Geologist shall conduct an inspection to find out whether the petitioner's request is genuine or not. If the petitioner's claim is genuine, he shall be given necessary O(A) forms based on Ext.P1. Needful shall be done within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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