

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 36700 of 2015 (J)

PETITIONER:

**P.K.CHEKKUTTY, S/O PAREEKUTTY,
PAYYANADTHODI HOUSE, VALILLAPUZHA P.O.,
MALAPPURAM DISTRICT, PIN:673639.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH**

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
VETTELAPPARA VILLAGE, VETTELAPPARA,
MALAPPURAM DISTRICT, PIN:673639.**
- 2. THE DISTRICT COLLECTOR,
MALAPPURAM, PIN:676505.**
- 3. THE DEPUTY COLLECTOR,
MALAPPURAM, PIN:676505.**
- 4. THE GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
MANJERI, MALAPPURAM DISTRICT, PIN:676121.**
- 5. URANGATTIRI GRAMA PANCHAYAT,
URANGATTIRI P.O., ARREKODE,
MALAPPURAM DISTRICT, PIN:673 639.**
- 6. KERALA STATE POLLUTION CONTRL BOARD,
DISTRICT OFFICE, 19/269A, UP HILL P.O.,
MALAPPURAM DISTRICT-676505.**
- 7. ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM, COLLECTORATE,
MALAPPURAM, PIN:676505.**

**R1 TO R4 & R7 BY GOVT. PLEADER SRI.BIJU MEENATTOOR
R6 BY SRI. M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 1ST RESPONDENT DATED 20.6.2014.
- EXHIBIT P2: TRUE COPY OF THE RELEVANT PORTION OF QUARRYING PERMIT DATED 21.3.2014 ISSUED BY THE SENIOR GEOLOGIST, MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE, MANJERI IN FAVOUR OF THE PETITIONER.
- EXHIBIT P3: TRUE COPY OF THE CHELAN DATED 29.4.2015 ISSUED FROM THE STATE BANK OF TRAVANCORE, MANJERI.
- EXHIBIT P4: TRUE COPY OF THE CONSENT TO VARIATION ORDER DATED 6.6.2014 ISSUED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, MALAPPURAM IN FAVOUR OF THE PETITIONER.
- EXHIBIT P5: TRUE COPY OF THE SAID PROCEEDINGS DATED 16.9.2011 OF THE ADDITIONAL DISTRICT MAGISTRATE, MALAPPURAM.
- EXHIBIT P6: TRUE COPY OF THE CHELAN DATED 7.1.2014 ISSUED FROM THE STATE BANK OF TRAVANCORE, MALAPPURAM CIVIL STATION.
- EXHIBIT P7: TRUE COPY OF THE REPLY LETTER DATED 15.7.2014 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P8: TRUE COPY OF THE REPLY LETTER DATED 25.8.2014 SUBMITTED BY THE PETITIONER TO THE 5TH RESPONDENT.
- EXHIBIT P9: TRUE COPY OF THE SHORT FIRER'S LICENCE ISSUED BY THE MINISTRY OF COMMERCE & INDUSTRY, GOVERNMENT OF INDIA DATED 22.4.2013.
- EXHIBIT P10: TRUE COPY OF THE STOP MEMO ISSUED BY THE 1ST RESPONDENT DATED 31.10.2014.
- EXHIBIT P11: TRUE COPY OF THE COMMON ORDER DATED 24.3.1979 IN OA NO.38 OF 1977 AND CONNECTED CASES OF THE FOREST TRIBUNAL, MANJERI.
- EXHIBIT P12: TRUE COPY OF THE JUDGMNET DATED 12.11.2014 IN WPC NO.29930 OF 2014.
- EXHIBIT P13: TRUE COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE TAHSILDAR, ERNAD DATED 26.9.2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 36700 of 2015

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Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner is holder of quarrying permit and that was expired. The petitioner had applied for renewal before its expiry. The application has not been considered for the reason that there is a doubt arisen to the revenue officials whether the quarrying operation is being carried by the petitioner within the revenue land or the forest land. A stop memo was also issued. The petitioner challenged the stop memo before this Court in W.P.C No.29930 of 2014. This Court had quashed the stop memo with the following directions.

“In view of the above, it is open for the revenue officials or forest officials to identify the land after issuing notice to the petitioner and ascertain other details from revenue records. If on such enquiry, it is found that it is revenue land or forest land, it is always open for them to revoke the permit granted to the petitioner in accordance with law. With that liberty, Ext.P7 is quashed.”

2. The petitioner submits that in spite of that directions no steps have been taken to determine whether it is revenue land or forest land.

3. In that view of the facts and circumstances as above, this Court is of the view that appropriate steps shall be taken to

complete the demarcation by the revenue officials within one month from the date of receipt of the copy of this judgment. If exercise cannot be completed within one month, the Geologist is free to consider the application for permit in accordance with the law subject to completion of exercise to find out whether the quarrying operation falls within the forest land or not. In the the light of the above directions, the petitioner's request for explosive licence shall be considered within one month from the date of receipt of the copy of this judgment. However, the licence can be given only once the petitioner obtains a quarrying permit.

The writ petition is disposed of, as above.

Sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE