

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. 37935 of 2015 (N)

PETITIONER:

**ELIAMMA, W/O.VARKEY, AGED 50 YEARS,
KANJIRAMKALAYIL HOUSE,
KOTHANALLOOR P.O, KOTTAYAM.**

**BY ADVS.SRI.P.M.NATESAN
SRI.D.THILAKAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF MINING GEOLOGY,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE GEOLOGIST,
MINING AND GEOLOGY OFFICE,
KOTTAYAM, PIN - 686 002.**
- 3. THE DISTRICT COLLECTOR,
KOTTAYAM, PIN - 686 002.**
- 4. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, VAIKOM, PIN - 686 141.**
- 5. THE VILLAGE OFFICE,
KOTHANALLOOR VILLAGE,
KOTTAYAM - DIST., PIN - 686 632.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

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

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: TRUE COPY OF THE PERMIT DATED 23.1.2014 FOR EXTRACTING AND REMOVING ORDINARY SOIL.
- EXT.P-2: TRUE COPY OF THE PERMIT DATED 9.10.13 FOR EXTRACTING LATERITE BUILDING STONE.
- EXT.P-3: TRUE COPY OF THE ORDER DATED 29.11.13 EXTENDING THE PERIOD OF EXT.P2.
- EXT.P-4: TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER ON 11.6.14 FOR THE ALLEGATION OF EXCESS REMOVAL OF SOIL.
- EXT.P-5: TRUE COPY OF THE DEMAND NOTICE DATED 18.8.2015 ISSUED BY A 2ND RESPONDENT.
- EXT.P-6: TRUE COPY OF THE REPLY TO EXT.P5 SUBMITTED ON 19.10.2015.
- EXT.P-7: TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 13.11.15.
- EXT.P-8: TRUE COPY OF THE INFORMATION GIVEN TO THE PETITIONER 18.12.2015 BY THE PUBLIC INFORMATION OFFICE OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37935 of 2015

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Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner challenging a demand notice issued by the Geologist has approached this Court. The case of the petitioner is that this demands have been raised without giving opportunity of hearing to the petitioner.

2. Considering the nature of issue, this Court is of the view that demand notice shall be treated as a notice and the petitioner is free to raise objection against the demand. This shall be done within two weeks from the date of receipt of the copy of this judgment. Thereafter after hearing the petitioner, appropriate decision shall be taken by the Geologist without any delay at any rate within further period of four weeks. Till the decision is taken by the Geologist all recovery proceedings shall be deferred.

The writ petition is disposed of, as above. sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

