

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. 37976 of 2015 (V)

PETITIONER :

**JESSY
W/O. CHACKO, AGED 42 YEARS
KULAMPALLIYIL HOUSE, AMBALAVAYAL P.O.
KALATHUVAYAL, AMBALAVAYAL VILLAGE
SULTHANBATHERY TALUK, WAYANAD DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
WAYANAD DISTRICT - 673 591.**
- 2. THE DIRECTOR
MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 4. THE DISTRICT COLLECTOR
WAYANAD DISTRICT - 673 591.**

R1 TO R4 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

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

Mn

...2/-

WP(C).No. 37976 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE TRANSIT PERMIT DT. 20.10.2015 ISSUED BY THE
FIRST RESPONDENT.**
- EXT. P2 - TRUE COPY OF THE RECEIPT DT. 20.10.2015 REGARDING THE
PAYMENT OF ROYALTY BY THE PETITIONER.**
- EXT. P3 - TRUE COPY OF THE STOP MEMO DT. 06.11.2015 ISSUED BY THE FIRST
RESPONDENT.**
- EXT. P4 - TRUE COPY OF THE PROCEEDINGS OF THE MEETING OF DLEC
WAYANAD DT. 27.10.2015 ISSUED BY THE FOURTH RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37976 of 2015

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Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner has been granted Ext.P1 permit for transporting ordinary sand removed from the pond. The petitioner approached this Court on account of the stop memo issued by the Geologist pursuant to the directions of the District Collector, Wayanad. The District Collector having noted that the large scale of ordinary sand deposited in the pond and many of the activities are done without obtaining environment clearance; 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 permit. Therefore, the stop memo issued without verifying the facts relating to the petitioner's activities are illegal and liable to be interfered. Accordingly, Ext.P3 is set aside.

The Geologist shall conduct inspection and find out whether the petitioner has strictly followed the directions in Ext.P1 permit. If the petitioner has followed all the conditions in Ext.P1 permit, he shall be given necessary O(A) forms. 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/-

sab

A.MUHAMED MUSTAQUE, JUDGE