

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. 37977 of 2015 (V)

PETITIONER:

**SAJU T.K., S/O.KURIAKOSE, AGED 46 YEARS,
THEKKINATHIL HOUSE, MYLAMBADI P.O,
MEENANGADI, 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.**

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/

WP(C).No. 37977 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE TRANSIST PERMIT DATED 20.10.2015 ISSUED BY THE FIRST RESPONDENT.
- P2- TRUE COPY OF THE RECEIPT DATED 20.10.2015 REGARDING THE PAYMENT OF ROYALTY BY THE PETITIONER.
- P3- TRUE COPY OF THE STOP MEMO DATED 6.11.2015 ISSUED BY THE FIRST RESPONDENT.
- P4- TRUE COPY OF THE PROCEEDINGS OF THE MEETING OF DLEC WAYANAD DATED 27.10.2015 ISSUED BY THE FOURTH RESPONDENT.
- P5- TRUE COPY OF THE LETTER DATED 30.11.2015 ISSUED BY THE PETITONER.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 37977 of 2015

=====

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 noted that the large scale of ordinary sand is found deposited when widening or cleaning of existing ponds are allowed. Therefore he is of the view that environmental clearance is required. 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, each 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