

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 38214 of 2015 (B)

PETITIONER :

**P.K. POULOSE
AGED 57 YEARS, S/O. KURIAN
PUTHOOKATTIL HOUSE
MULAKKULAM SOUTH P.O.,
VAIKOM TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S) :

- 1. THE GEOLOGIST
OFFICE OF MINING AND GEOLOGY
DISTRICT OFFICE, KOTTAYAM, PIN – 686 001.**
- 2. THE DEPUTY SECRETARY AND APPELLATE AUTHORITY
DEPARTMENT OF INDUSTRIES
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM, PIN – 695 001.**
- 3. THE DEPUTY TASILDHAR (RR)
TALUK OFFICE, VAIKOM
KOTTAYAM DISTRICT, PIN – 686 181.**
- 4. THE VILLAGE OFFICER
MULAKKULAM VILLAGE OFFICE
PERUVA P.O., KOTTAYAM DISTRICT
PIN – 686 610.**

R1 TO R4 BY GOVT. PLEADER SMT. K.T. LILLY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 38214 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF QUARRYING PERMIT
NO. 291/OE/QP/2013-2014/2419/DOY/ML/2013 DATED 26/12/2013.

EXT.P2 COPY OF ORDER/DEMAND NOTICE NO. 2419/DOY/ML DATED 3/8/2015.

EXT.P3 COPY OF APPEAL NO. 20838/A/2015ID.

EXT.P4 COPY OF STAY PETITION DATED 25.8.2015.

EXT.P5 COPY OF DEMAND NOTICE NO. 2015/45628/5 DATED 23.9.2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.38214 of 2015
.....
Dated this the 16th day of December, 2015

J U D G M E N T

Against Ext.P2 order passed under the Mines and Minerals (Development and Regulation) Act, the petitioner had preferred Ext.P3 appeal and Ext.P4 stay petition before the 2nd respondent. It is the case of the petitioner that even prior to considering the stay petition, recovery steps are taken by the respondents through Ext.P5 revenue recovery notice as confirmed by Ext.P2 order.

2. I have heard the learned counsel appearing for the petitioner and also the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with the following directions:

- i. The 2nd respondent shall consider and pass

orders on Ext.P4 stay petition within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner.

ii. Coercive steps pursuant to Ext.P5 revenue recovery notice shall be kept in abeyance till such time as orders are passed by the 2nd respondent as directed above and communicated to the petitioner.

iii. The order to be passed by the 2nd respondent shall be a reasoned one advertent to the contentions of the petitioner regarding existence of a prima facie case for a stay of recovery pending disposal of the appeal.

A.K.JAYASANKARAN NAMBIAR
JUDGE