

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 9TH DAY OF OCTOBER 2012/17TH ASWINA 1934

WP(C) .No. 23563 of 2012 (U)

PETITIONER:

J.RADHAKRISHNA KURUP, PERUVALLIKUTTIYIL,
ERAVICHURA NADUVILKARA, SOORANADU SOUTH,
KOLLAM DISTRICT.

BY ADV. SRI.N.RADHAKRISHNAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVT.
INDUSTRIES DEPARTMENT, GOVT. SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.
2. THE DISTRICT COLLECTOR, KOLLAM-691001.
3. THE REVENUE DIVISIONAL OFFICER, KOLLAM-691001.
4. THE TAHSILDAR, KUNNATHOOR, KOLLAM DISTRICT - 691001.

BY GOVERNMENT PLEADER SRI.MUHAMMED SHAH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-10-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VK

WP(C).No. 23563 of 2012 (U)

APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1 TRUE COPY OF THE PROCEEDINGS NO.A.3079/2010 DATED
9/7/2010.
- EXT.P2 TRUE COPY OF THE REVENUE RECOVERY NOTICE NO.B2-17349/10
DATED 19/11/2010 BY DISTRICT COLLECTOR, KOLLAM.
- EXT.P3 TRUE COPY OF THE PROCEEDINGS NO.L-10-5095/2011 DATED
12/3/2012.
- EXT.P4 TRUE COPY OF THE ATTACHMENT ORDER NO.B2.17349/10 DATED
12/9/2012 BY TAHSILDAR, KUNNATHOOR.
- EXT.P5 TRUE COPY OF THE APPEAL FILED UNDER RULE 49(1) (B) OF
KMMC RULES DATED 28/9/2012.
- EXT.P6 TRUE COPY OF THE CHALLAN DATED 1/10/2012 FOR RS.500/-

RESPONDENTS' EXHIBITS : NIL

/ TRUE COPY /

P.A. TO JUDGE

VK

T.R.RAMACHANDRAN NAIR, J.

W.P.(C)No.23563 Of 2012

DATED THIS THE 9th DAY OF OCTOBER, 2012

JUDGMENT

The petitioner is seeking for a direction to the appellate authority, namely, the Government to consider and pass orders on Exhibit P5 appeal within a time frame.

2. This is a case where the District Collector rejected the first appeal as per Exhibit P3 order. The issue is one with regard to the excavation of laterite stones by the petitioner from his compound. It is submitted that unreasonable amount has been fixed as royalty, namely Rs.3,50,600/-. Apart from that the petitioner has got a case that there is no finding that the petitioner has excavated the total quantity shown therein as it is an ancestral property and quarrying was done before the coming into force of the Kerala Minor Mineral Concession Rules and the petitioner is not responsible.

3. All these are matters for the Government to decide, after hearing the petitioner. There will be a direction to the Government to take a decision on Exhibit P5 appeal, after hearing

the petitioner within a period of six months from the date of receipt of a copy of this judgment. In the meanwhile, further action for implementation Exhibits P2 and P3 will be kept in abeyance.

The Writ Petition is disposed of as above.

Sd/-(T.R.RAMACHANDRAN NAIR, JUDGE)

dsn