

S.JustIn Kumar Vs. the Geologist

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Court : Kerala

Decided On : Feb-01-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : S.JustIn Kumar

Respondent : The Geologist

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON FRIDAY, THE 1ST DAY OF FEBRUARY 2013 12TH MAGHA 193 WP(C).No. 2683 of 2013 (I) ----- PETITIONER: ----- S.JUSTIN KUMAR, AGED 4 YEARS SON OF SRI. SATHYANESAN RESIDING AT KERALAKKATTUVILA BUNGLOW, KILIYOOR VELLANADA P.O, NEYYATTINKARA TALUK THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI.N.ANILKUMAR RESPONDENTS: ----- 1. THE GEOLOGIST DEPARTMENT OF MINING & GEOLOGY, GOVERNMENT OF KERALA DISTRICT OFFICE, THIRUVANANTHAPURAM 69 004.

2. THE DISTRICT COLLECTOR THIRUVANANTHAPURAM DISTRICT THIRUVANANTHAPURAM 69 001.

3. THE TREASURY OFFICER SUB TRESURY, MEDICAL COLLEGE THIRUVANANTHAPURAM 69 011. R BY GOVERNMENT PLEADER SRI. S.

JAMAL. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-02-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 2683 of 2013 (I) APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1. TRUE COPY OF THE ELECTION IDENTITY CARD OF THE PETITIONER. EXHIBIT P2. TRUE COPY OF THE LICENCE DATED 18 04.2011 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER. EXHIBIT P3. TRUE COPY OF THE PANCHAYAT LICENCE DATED 26 03.2012 ISSUED TO THE PETITIONER. EXHIBIT P4. TRUE COPY OF THE APPLICATION FOR RENEWAL OF LICENCE DATED 04 04.2012 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT GEOLOGIST. EXHIBIT P5. TRUE COPY OF THE LETTERS SHOWING THE PURCHASE OF ORDINARY SAND BY THE PETITIONER DURING THE LAST YEAR. EXHIBIT P6. TRUE COPY OF THE LETTERS SHOWING THE PURCHASE OF ORDINARY SAND BY THE PETITIONER DURING THE LAST YEAR. EXHIBIT P7. TRUE COPY OF THE INTIMATION GIVEN BY THE GEOLOGIST FOR AN ENQUIRY MADE BY ONE VIPINKUMAR. RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO JUDGE Scl. P.R. RAMACHANDRA MENON, J.

----- W.P.(C). No. 2683 of 2013
----- Dated this the 1st day of February, 2013
JUDGMENT The petitioner has approached this Court with the following prayers:
"i. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to accept and pass orders on the renewal application submitted by the petitioner. ii. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to accept Challan and permit the petitioner to remit the statutory fees;" 2. The learned counsel for the petitioner submits that the grievance is with regard to the non acceptance of Ext.P4 application which virtually amounts to failure of statutory duty vested upon the 1st respondent. The course of action to be followed has been elaborately discussed and dealt with by this Court as per judgment in W.P.(C).No.9424/2012 and hence the W.P.C. No.2683 of 2013 -2- writ petitioner is seeking for a direction to be given to the 1st respondent to accept Ext.P4 application for renewal of license and to deal with on merits.

3. The learned Government Pleader appearing for the respondents submits on instructions that, the idea and understanding of the petitioner is quite wrong and misconceived. It is stated that, Ext.P4 application preferred by the petitioner for renewal of license was accepted and the same was rejected by the 1st respondent as per order dated 27.6.2012, simultaneously pointing out that the same was communicated to the petitioner as well. In the said circumstance, this Court does not find any reason to interfere and the writ petition is dismissed. If a copy of the relevant order has not been served to the petitioner so far, it shall be ensured that a copy is served to the petitioner forthwith, so as to enable the petitioner to pursue further steps. P.R. RAMACHANDRA MENON, JUDGE. Kp/-

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