

**Sumesh Kumar P.V Vs. the Director**

**Sumesh Kumar P.V Vs. the Director**

**SooperKanoon Citation :** [sooperkanoon.com/1131693](http://sooperkanoon.com/1131693)

**Court :** Kerala

**Decided On :** Feb-24-2014

**Judge :** Honourable Mr.Justice P.N.Ravindran

**Appellant :** Sumesh Kumar P.V

**Respondent :** The Director

**Judgement :**

IN THE HIGH COURT OF KERALAATERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN MONDAY,THE24H DAYOF FEBRUARY20145TH PHALGUNA, 1935 WP(C).No. 5008 of 2014 (A) ----- PETITIONER : ----- SUMESH KUMAR P.V AGED33YEARS S/O. VELAYUDHAN,PARACHALIL HOUSE, MYLAKOMBU.P.O. PAINKULAM, IDUKKI DISTRICT. BY ADV.SRI.JOBI JOSE KONDODY RESPONDENTS : ----- 1. THE DIRECTOR MINING AND GEOLOGYDEPARTMENT DIRECTORATE OF MINING AND GEOLOGY PATTOM PALACE.P.O.,KESAVADASAPURAM THIRUVANANANTHAPURAM-695004.

2. THE GEOLOGIST, MINING AND GEOLOGYDISTRICT OFFICE, IDUKKI MINI CIVIL STATION, THODUPUZHA IDUKKI DISTRICT-685584. R BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON2402-2014, THE COURT ON THE SAME DAYDELIVERED THE FOLLOWING: WP(C).No. 5008 of 2014 (A)

----- APPENDIX PETITIONER(S)' EXHIBITS  
----- EXT.P1. A TRUE COPY OF THE QUARRYING  
PERMIT DATED182-2010 VALID UPTO172-211 ISSUED BY THE SECOND  
RESPONDENT TO THE PETITIONER. EXT.P2. A TRUE CPY OF THE  
DEALERS LICENSE ISSUED BY THE SECOND RESPONDENT TO THE  
PETITIONER DATED222-2010 VALID UPTO313-2011. EXT.P3. A TRUE COPY  
OF THE

JUDGMENT

DATED25-10-2011 PASSED BY THE DIVISION BENCH OF THIS  
HONOURABLE COURT IN WRIT APPEALNO. 1570 OF2011 EXT.P4. A TRUE  
COPY OF

JUDGMENT

DATED23-12-11 IN WPC NO. 34889 OF 2011 PASSED BY THE LEARNED  
SINGLE JUDGE OF THIS HONOURABLE COURT. EXT.P5. A TRUE COPY OF  
THE

JUDGMENT

DATED6-7-2012 IN WPC NO10898OF 2012 PASSED BY THE LEARNED  
SINGLE JUDGE OF THIS HONOURABLE COURT. EXT.P6. A TRUE COPY OF  
THE CERTIFICATE OF REGISTRATION OBTAINED BY THE PETITIONER  
FROM THE COMMERCIAL TAX DEPARTMENT, THODUPUZHA DATED242-  
2012. EXT.P7. A TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE  
FIRST RESPONDENT HEREIN IN WPC NO. 4415 OF2013 EXT.P8. A TRUE  
COPY OF THE

JUDGMENT

DATED10-12-13 IN WPC NO. 4415 OF 2013 PASSED BY THE LEARNED  
SIGNLE JUDGE OF THIS HONOURABLE COURT. EXT.P9. A TRUE COPY OF  
THE INTERIM

ORDER

DATED52-2014 IN W.A. NO. 107 OF 2014 OF THIS HONOURABLE COURT.  
RESPONDENT(S)' EXHIBITS : NIL ----- /TRUE COPY/

----- W.P.(C)No.5008 of 2014 -----  
----- Dated this the 24th day of February, 2014 -----

## JUDGMENT

The petitioner, who owns a quarrying permit to mine weathered rock and also possesses a dealers license to stock and sell weathered sand, has filed this writ petition mainly for an order directing the second respondent to issue a counter signed challan form so as to enable him to submit an application for obtaining a dealers license to stock and sell weathered sand/weathered rock and a further order directing the second respondent to consider such an application in accordance with the provisions contained in the Kerala Minor Mineral Concession Rules, 1967.

2. The main contention raised in the writ petition is that this Court has in Ext.P8 judgment delivered in W.P.(C)No.4415 of 2013 and connected cases held that by virtue of the operation of the provisions contained in the Mines and Minerals (Development and Regulation) Act, 1957 for setting up a weathered sand manufacturing unit, or to deal with weathered rock/weathered sand, W.P.(C)No.5008 of 2014 2 it is obligatory for the concerned persons to obtain a dealers license as well from the competent authorities under the Mining and Geology Department and therefore, the respondents cannot contend that applications for such license will not be entertained.

3. When the writ petition came up for hearing today, Sri.K.C.Vincent, learned Senior Government Pleader appearing for the State of Kerala submitted on instructions received from the first respondent that in the event of the petitioner submitting an application for permit/license for a dealers license to stock and sell weathered sand/weathered rock, the first respondent will counter sign the challan for payment of the requisite fee and in the event of an application being submitted for a permit/license to stock and sell weathered sand/weathered rock, take an appropriate decision on the application expeditiously thereafter. In the light of the aforesaid submission, I dispose of the writ petition with a direction to the second respondent to counter sign the challan for payment of the requisite fee for the

purpose of submitting an application for license/permit to stock and sell weathered sand/weathered rock on the day such an application is W.P.(C)No.5008 of 2014 3 filed and thereafter receive the application along with the receipt evidencing payment of fee, process it and dispose it of expeditiously and in any event within one month from the date of receipt of the application. Sd/- P.N.RAVINDRAN  
JUDGE vpv

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**