

**Sundaran, vs the State of Kerala,**

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**SooperKanoon Citation : [sooperkanoon.com/1399872](https://sooperkanoon.com/1399872)**

**Court : Kerala**

**Decided On : Nov-01-2023**

**Judge : Honourable Mr.Justice Murali Purushothaman**

**Appeal No. : WP(C)/34826/2023**

**Appellant : Sundaran,**

**Respondent : The State of Kerala,**

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023/10TH KARTHIKA, 1945 WP(C) NO.34826 OF 2023 PETITIONER: SUNDARAN, AGED 70 YEARS, S/O.SEKHARAN, RESIDING IN THE ADDRESS THOTTUPURA HOUSE, KEEZHPULLIKKARA VILLAGE DESOM, KEEZHPULLIKKARA P.O, THRISSUR DISTRICT, PIN - 680702 BY ADV.G.SREEKUMAR (CHELUR) RESPONDENTS:

1 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM P.O,

THIRUVANANTHAPURAM DISTRICT, PIN - 695001 2 THE DIRECTOR MINING AND GEOLOGY DEPARTMENT, THIRUVANANTHAPURAM P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695001 3 THE SENIOR GEOLOGIST MINING AND GEOLOGY DEPARTMENT, THRISSUR P.O, THRISSUR DISTRICT, PIN - 680001 4 THE PARALAM GRAMA PANCHAYATH REPRESENTED BY ITS SECRETARY, PARALAM P.O, THRISSUR DISTRICT, PIN - 680563 BY ADV.P.M.MANOJ BY SRI.BIMAL K.NATH, SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) No.34826 of 2023 2

## **JUDGMENT**

The petitioner states that he is the owner of the property situated in Survey No.9311 of Kodannur Village. For the purpose of constructing an industrial building in the said property, the petitioner has been issued with Ext.P11 development permit. For the purpose of the said construction the land has to be levelled. Accordingly, the petitioner submitted Ext.P12 application before the 3rd respondent under the Kerala Minor Mineral Concession Rules, 1967 for removal of ordinary earth. The grievance of the petitioner is that Ext.P12 application is not so far considered by the 3rd respondent.

2. Heard the learned counsel for the petitioner and the learned Senior Government Pleader appearing for the respondents. WP(C) No.34826 of 2023 3

3. In the facts and circumstances of the case,

there will be a direction to the 3rd respondent to consider Ext.P12 application of the petitioner in accordance with law and after giving an opportunity of hearing to the petitioner and the 4th respondent, as expeditiously as possible, at any rate, within a period of 6 weeks from the date of receipt of a certified copy of this judgment. The writ petition is disposed of. Sd/- MURALI PURUSHOTHAMAN

JUDGE sp/03/11/2023 WP(C) No.34826 of 2023 4 APPENDIX PETITIONER'S EXHIBITS:- EXHIBIT P1 TRUE COPY OF THE JUDGMENT DELIVERED BY THIS HON'BLE COURT IN WPC NO.22702 OF 2007 DATED 29.01.2010 EXHIBIT P2 TRUE COPY OF THE ORDER PASSED BY THIS HON'BLE COURT IN RP NO.199 OF 2012 IN WPC NO.22702 OF 2007 DATED 21.08.2012 EXHIBIT P3 TRUE COPY OF THE REGISTERED DOCUMENT IN THE NAME OF THE PETITIONER DATED 20.09.1993 EXHIBIT P4 TRUE COPY OF THE JUDGMENT IN AS NO.146 OF 2001 DATED 07.10.2005 BY THIS HON'BLE COURT EXHIBIT P5 TRUE COPY OF THE TAX PAID RECEIPT ISSUED BY THE KODANNUR VILLAGE OFFICE DATED 04.04.2023 EXHIBIT P6 TRUE COPY OF THE LOCATION SKETCH ISSUED BY THE VILLAGE OFFICER, KODANNUR DATED 19.11.2022 EXHIBIT P7 TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE PARALAM VILLAGE OFFICER DATED 16.11.2022 EXHIBIT P8 TRUE COPY OF THE PURCHASE CERTIFICATE

ISSUED BY THE SPECIAL TAHSILDAR, LAND RECORDS AND ADDITIONAL LAND TRIBUNAL, TRICHUR DATED 29.01.1977

EXHIBIT P9 TRUE COPY OF THE DEMARCATION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KODANNUR DATED 06.12.2022 WP(C) No.34826 of 2023 5 EXHIBIT P10 TRUE COPY OF THE ASSIGNMENT CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KODANNUR DATED 06.12.2022 EXHIBIT P11 TRUE COPY OF THE DEVELOPMENT PERMIT ISSUED BY THE PARALAM GRAMA PANCHAYATH, THRISSUR DATED 01.08.2023 EXHIBIT P12 TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 07.08.2023 EXHIBIT P13 TRUE COPY OF THE POSTAL RECEIPT DATED 03.10.2023 EXHIBIT P14 TRUE COPY OF THE ACKNOWLEDGMENT CARD DATED 04.10.2023

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