



2024:KER:66988

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 4TH DAY OF SEPTEMBER 2024 / 13TH BHADRA, 1946

WP(C) NO. 12587 OF 2024

PETITIONER:

MOHAMMED K.,
AGED 44 YEARS
S/O. ALAVI, KURIKKATTIL HOUSE, KANNAMVETTIKNVU,
PULIKKAL P.O., CHERUKAVU, KONDOTTY, MALAPPURAM
DISTRICT, PIN - 673637

BY ADVS. ALEX.M.SCARIA
SARITHA THOMAS
SAHL ABDUL KADER
JUSTIN J. THEKKEDAM
GEORGE KAPPEN

RESPONDENTS:

- 1 THE DISTRICT GEOLOGIST, MALAPPURAM,
MINING AND GEOLOGY DEPARTMENT, OFFICE OF THE
DISTRICT GEOLOGIST, MINI CIVIL STATION, MANJERI,
MALAPPURAM DISTRICT, PIN - 676121
- 2 THE DIRECTOR,
MINING AND GEOLOGY, DIRECTORATE, KESAVADASAPURAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM, PIN -
695004

SMT.Deepa V., GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04.09.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

It is submitted by the learned counsel for the petitioner as well as the learned Government Pleader that, pursuant to the order dated 12.8.2024 of this Court, a decision has already been taken on Ext.P24 and Ext.P27 demand notice has been issued. As per Ext.P27, the petitioner was directed to pay ₹95,18,000/- (Rupees ninety five lakhs eighteen thousand only).

2. The learned counsel for the petitioner seeks twenty instalments to pay the amount. The learned Government Pleader submits that six instalments can be given.

3. Having heard the learned counsel for the petitioner and the learned Government Pleader, the petitioner is granted ten equal monthly instalments to pay the entire amount covered by Ext.P27, commencing from 10.9.2024. On payment of the first instalment, the movement permit shall be issued and Ext.P9 stop memo shall be recalled.

The writ petition is disposed of as above.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

kp



APPENDIX OF WP(C) 12587/2024

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE RELEVANT PAGES OF THE QUARRYING LEASE IN FORM H EXECUTED ON 23/03/2018 WHICH IS VALID TILL 22/03/2030.
- Exhibit P2 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE ISSUED BY THE DISTRICT ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, MALAPPURAM HAVING EC NO. 37/2017 DATED 23/01/2018.
- Exhibit P3 TRUE COPY OF THE RELEVANT PAGES OF THE EXPLOSIVE LICENSE, DATED 12/3/2019.
- Exhibit P4 TRUE COPY OF THE RELEVANT PAGES OF THE CONSENT TO OPERATE DATED 21/11/2022 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- Exhibit P5 TRUE COPY OF MOVEMENT PERMIT DATED 01/10/2022, ISSUED BY THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY.
- Exhibit P6 TRUE COPY OF THE S.O. NO. 1807(E) DATED 12/4/2022, BY MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI.
- Exhibit P7 TRUE COPY OF THE INTERIM ORDER DATED 26/10/2022 IN W.P.(C)34054/2022 OF THIS HON'BLE COURT.
- Exhibit P8 THE COPY OF THE INTERIM ORDER IN W.P.(C)27864/2023 DATED 16/11/2023 OF THIS HON'BLE COURT.
- Exhibit P9 TRUE COPY OF THE COPY OF THE NOTICE DATED 11/10/2023, FROM THE SENIOR GEOLOGIST, MALAPPURAM.
- Exhibit P10 TRUE COPY OF THE REPLY/REPRESENTATION DATED 20/11/2023, SUBMITTED BY THE PETITIONER, BEFORE THE 2ND RESPONDENT.



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- Exhibit P11** TRUE COPY OF THE CIRCULAR
NO.3401/M5/2022, DATED 11/9/2023, ISSUED
BY THE 2ND RESPONDENT.
- Exhibit P12** TRUE COPY OF THE JUDGMENT DATED
07/12/2023, IN W.P.(C) NO. 40294/2023 OF
THIS HON'BLE COURT.
- Exhibit P13** TRUE COPY OF THE ORDER DATED 30/01/2024
BEARING NO. 165/2023-24/GS/DOM/M-
1117/2017 ISSUED BY THE 1ST RESPONDENT .
- Exhibit P14** TRUE COPY OF THE REPRESENTATION DATED
13/02/2024 BEFORE THE 1ST RESPONDENT.
- Exhibit P15** TRUE COPY OF THE RECEIPT DATED
14/02/2024 OF EXHIBIT P14.
- Exhibit P16** TRUE COPY OF THE JUDGMENT, DATED
23/08/2017, IN W.P.(C) NO. 27891/2017 OF
THIS HON'BLE COURT.
- Exhibit P17** TRUE COPY OF THE JUDGMENT DATED
25/06/2020 IN W.P.(C) NO. 12537/2020 OF
THIS HON'BLE COURT,
- Exhibit P18** TRUE COPY OF THE MAHAZAR DATED
29/02/2024.
- Exhibit P19** TRUE COPY OF THE REPRESENTATION ON
05/03/2024 BEFORE THE 1ST RESPONDENT.

RESPONDENT ANNEXURES

- Annexure R1 (a)** True copy of the letter No. DOM/M-
1117/2017 dated 26/12/2023
- Annexure R1 (b)** True copy of the proceedings No.
165/2023-24/GS/DOM/M-1117/2017 dated
30.01.2024
- Annexure R1 (c)** True copy of the mahassar

PETITIONER EXHIBITS

- Exhibit P20** True copy of the communication dated
22/04/2024 issued by the 1st respondent
to the petitioner.



- Exhibit P21** True copy of the Mining Permit dated 30/07/2008 issued by the 1st respondent.
- Exhibit P22** True copy of the Mining Permit dated 01/12/2010 issued by the 1st respondent.
- Exhibit P23** True copy of the Mining Permit dated 23/05/2016 issued by the 1st respondent.
- Exhibit P24** TRUE COPY OF THE LETTER DATED 31/07/2024 ISSUED BY THE PETITIONER TO THE DISTRICT GEOLOGIST, MALAPPURAM.
- Exhibit P25** TRUE COPY OF THE FORM OF ADALATH 2023 SUBMITTED BY THE PETITIONER ON 30/10/2023.
- Exhibit P26** TRUE COPY OF G.O.(MS) NO. 61/2023/ID DATED 25/08/2023 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P27** TRUE COPY OF THE DEMAND NOTICE DATED 14/08/2024 ISSUED BY THE 1ST RESPONDENT.