



WP(C) NO. 27264 OF 2024

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2025:KER:18959

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 6th DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

WP(C) NO. 27264 OF 2024

PETITIONER:

M/S. HILLTOP AGGREGATES,
DOOR NO.XI/731, SOORYA COMPLEX, KALADY P.O,
ALUVA, ERNAKULAM, REPRESENTED BY ITS MANAGING
PARTNER, SRI.SATHEESH V.S, PIN - 683587

BY ADVS. PHILIP J.VETTICKATTU
NEENU BERNATH
SAJU S. DOMINIC
MARTIN CHACKO

RESPONDENTS:

1 KANNAMBRA GRAMA PANCHAYAT,
KANNAMBRA P.O., PALAKKAD, REPRESENTED BY ITS
SECRETARY, PIN - 678686

2 THE SECRETARY,
KANNAMBRA GRAMA PANCHAYAT, KANNAMBRA P.O,
PALAKKAD, PIN - 678686

BY ADVS. R.RAJPRADEEP
BRIJESH MOHAN(K/1851/1999)
T.S.ATHIRA(K/000604/2017)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

The petitioner, a firm, is engaged in the business of quarrying and allied activities. They have been granted a letter of intent, Ext.P1, by the competent authority under the Kerala Minor Mineral Concession Rules, 2015. The petitioner also submits that he had obtained Ext.P2 acknowledgment clearance, Ext.P3 Explosive Licence, and Ext.P4 consent to operate from the respective statutory authorities. The petitioner submitted an application under Section 233 of the Kerala Panchayat Raj Act 1994 read with Rule 12 of the Kerala Panchayat Raj (Issue of Licence to Factories, Trades, Entrepreneurship activities and other services) Rules, 1996, seeking permission for the machinery. The said application, Ext.P5, was made on 19.04.2023 and the same was acknowledged by the panchayat as per Ext.P6.

2. Through Ext.P7, the petitioner was intimated by the panchayat that more details have to be obtained to consider his



application and ultimately the panchayat committee rejected the application through Ext.P11 on 29.06.2024, which was communicated by the Secretary through Ext.P9 dated 04.07.2024.

3. The learned counsel for the petitioner submits that in view of the statutory scheme of Section 236(3) of the Kerala Panchayat Raj Act, since no orders have been passed on the application made under Section 233 either allowing or refusing within 30 days, the petitioner is entitled to get a deemed licence. There is no dispute about the date of the application or the fact that no orders have been passed either allowing or rejecting the application within 30 days, as Ext.P11 was passed only on 29.06.2024. In view of the undisputed position as stated above, the petitioner is entitled to a deemed licence. Accordingly, it is declared that the subsequent rejection or the reasons stated in the counter affidavit could not prevent the petitioner from acting on the basis of the deemed license so obtained.

4. In view of the above, the impugned order is quashed.



There will be a direction to the Panchayat to formally issue permission under Section 233 of the Kerala Panchayat Raj Act within three weeks from the date of receipt of a copy of this judgment. Needless to say, it will be open to the Panchayat to ensure that the petitioner has the other statutory permissions with their right to seek cancellation of the licence, if there is any violation. The impugned order is quashed.

The writ petition is allowed as above.

Sd/-

MOHAMMED NIAS C.P.

JUDGE

DMR/-



APPENDIX OF WP(C) 27264/2024

PETITIONER'S EXHIBITS

- | | |
|------------|---|
| Exhibit P1 | TRUE COPY OF THE LETTER OF INTENT
BR.NO.7866/M3/2021 DATED 08/04/2022
ISSUED BY THE COMPETENT AUTHORITY |
| Exhibit P2 | TRUE COPY OF THE RELEVANT PAGES OF THE
ENVIRONMENTAL CLEARANCE DATED
22/01/2024 GRANTED BY THE COMPETENT
AUTHORITY |
| Exhibit P3 | TRUE COPY OF THE RELEVANT PAGES OF THE
EXPLOSIVE LICENSE DATED 26/03/2024,
WHICH IS VALID UPTO 31/03/2028 |
| Exhibit P4 | TRUE COPY OF THE CONSENT TO OPERATE
DATED 24/04/2024, WHICH IS VALID UPTO
22/01/2029 ISSUED BY THE COMPETENT
AUTHORITY |
| Exhibit P5 | TRUE COPY OF THE APPLICATION DATED
19-04-2023 SUBMITTED BY THE PETITIONER
FOR PERMISSION UNDER SECTION 233 OF THE
ACT 1994 |
| Exhibit P6 | TRUE COPY OF THE RECEIPT DATED
19-04-2023 ACKNOWLEDGING THE SUBMISSION
OF APPLICATION |
| Exhibit P7 | TRUE COPY OF THE INTIMATION ISSUED BY
THE RESPONDENT DATED 23/05/2024 |
| Exhibit P8 | TRUE COPY OF THE REPLY SUBMITTED BY THE
PETITIONER DATED 05/06/2024 |



Exhibit P9 TRUE COPY OF THE COMMUNICATION ISSUED
BY THE 2 ND RESPONDENT DATED 04/07/2024

Exhibit P10 TRUE COPY OF THE POSTAL ENVELOPE DATED
13/07/2024 IN WHICH EXT.P9 IS SERVED ON
THE PETITIONER

Exhibit P11 TRUE COPY OF THE DECISION OF THE 1 ST
RESPONDENT DATED 29/06/2024

Exhibit P12 TRUE COPY OF THE LETTER ISSUED BY THE
ADDL. DISTRICT MAGISTRATE AND DISTRICT
COLLECTOR DATED 18.01.25 TO THE
PETITIONER

Exhibit P13 TRUE COPY OF THE EMAIL ISSUED BY THE
PETITIONER SHOWING THE FORWARDING OF
COMPLIANCE REPORT

Exhibit P14 TRUE COPY OF THE RELEVANT PAGES OF PRE-
WORK SURVEY REPORT ALONG WITH COVERING
LETTER DATED 18.01.2025

**RESPONDENTS '
EXHIBITS**

Exhibit R1(a) A TRUE COPY OF THE RESOLUTION OF THE
PANCHAYAT DATED 21/08/2023

Exhibit R1(b) A TRUE COPY OF THE LETTER DATED
23/05/2024 SENT BY THE RESPONDENT TO
THE PETITIONER

Exhibit R1(c) A TRUE COPY OF THE RESOLUTION NO. 3(1)
DATED 29/06/2024



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- Exhibit R1(d)** A TRUE COPY OF THE E-MAIL DATED
01/09/2024 SENT BY THE KOCHI-SALEM
PIPELINE PRIVATE LTD.
- Exhibit R1(e)** A PHOTOGRAPH SHOWING THE BOUNDARY STONE
PLANTED BY THE KOCHI-SALEM PIPELINE
PRIVATE LTD.
- Exhibit R1(f)** A TRUE COPY OF THE LETTER OF THE
DIRECTOR OF MINING AND GEOLOGY, KERALA
DATED 08/04/2022

// TRUE COPY //

P.A. TO JUDGE