



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

MONDAY, THE 28TH DAY OF SEPTEMBER 2026 / 6TH ASWINA, 1948

WP(C) NO. 27378 OF 2026

PETITIONER:

K.P. BABU,
AGED 58 YEARS
S/O. K.N. PARAMSEWARAN NAIR, KODIKKULATH HOUSE,
KUMBALERY P.O., MEENANGADI, WAYANAD, PIN - 673591

BY ADVS.
SRI.M.P.ASHOK KUMAR
SRI.P.C.GOPINATH
SMT.BINDU SREEDHAR
SHRI.ASIF N

RESPONDENTS:

- 1 LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDINGS OPP. MUSEUM,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE DISTRICT COLLECTOR,
CIVIL STATION, KALPETTA P.O.,
WAYANAD, PIN - 673121



BY ADV.

SMT.C.K.SHERIN, SR.GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28.09.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



JUDGMENT

Exts.P9 and P10 Orders are under challenge in this Writ Petition. By virtue of the former, petitioner's application for an explosives license was rejected by the 2nd respondent, who was acting as District Magistrate, as well. The petitioner challenged Ext.P9 Order before the Land Revenue Commissioner, however, in vain, as could be seen from Ext.P10 Order.

2. The reasons stated in Ext.P9 and confirmed in Ext.P10 is that the property in question, where the explosive magazine is sought to be settled, is an exempted land, in terms of Section 81 of the Kerala Land Reforms Act (for short, 'K.L.R Act'). The second reason stated is the public objection.

3. Learned counsel for the petitioner would submit that both these objections are in the teeth of concluded judgments



of this Court in favour of the petitioner. As regards to the question of exemption under Section 81 of the K.L.R Act, the judgments relied on is ***Kinallur Rock Sand (M/s.) v. State of Kerala and Others*** [2021 (2) KLT 351]. To the same effect is the judgment of this Court in ***District Collector v. Sajith Lal*** [2023 KLT OnLine 1225]. On the issue, whether public objection, by itself, can be taken stock of to reject an application for explosive license, learned counsel relied on the judgment of this Court in ***Joy Joseph v. District Collector, Kannur and Others*** [2016 (3) KLT 514].

4. On the point of law canvassed by the learned counsel for the petitioner based on the judgments above, learned Senior Government Pleader has no quarrel. It was submitted that five quarries are already functioning in the locality and a further license issued for an explosive magazine may imperil the safety and life of the local inhabitants.



5. Having heard the learned counsel appearing for the respective parties, this Court finds that Exts.P9 and P10 cannot be sustained in law. As rightly pointed out by the learned counsel for the petitioner, the issue with respect to the exemption under Section 81 of the K.L.R Act stands covered in favour of the petitioner by virtue of the judgments in *Kinallur Rock Sand* (supra) and *Sajith Lal* (supra). On the question of public opinion and the rejection on that count alone, the decision in *Joy Joseph* (supra) is in favour of the petitioner. This Court also notice that a public opinion or public objection, unless accompanied by a valid ground recognisable in the Explosives Rules, cannot be taken stock of to reject an application for explosive license. This Court also notice that, what is sought for is an explosive magazine, as against the five quarries, which are allegedly functioning in the locality.

6. In the circumstances, Exts.P9 and P10 will stand set aside. There will be direction of the 2nd respondent, who is



also acting as the District Magistrate to reconsider Ext.P2 application, in accordance with law, and in the light of the observations contained in this judgment, and also, in the light of the judgments above referred, expeditiously, at any rate, within a period of six weeks from the date of receipt of a copy of this judgment. Petitioner will produce a copy of this judgment before the 2nd respondent, for compliance. Needless to say that, the petitioner shall be afforded with an opportunity of being heard, in case the 2nd respondent still feels that Ext.P2 application is not liable to be allowed, for any reason, whatsoever.

This Writ Petition will stand disposed of, as above.

Sd/-

C. JAYACHANDRAN, JUDGE

APPENDIX OF WP(C) NO. 27378 OF 2026PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF POSSESSION CERTIFICATE DT 29/11/2023 ISSUED BY VENGAPPALLY VILLAGE OFFICER
EXHIBIT P2	TRUE COPY OF THE APPLICATION DT 18/04/2024 FILED BY PETITIONER BEFORE 2ND RESPONDENT
EXHIBIT P3	TRUE COPY OF THE NO OBJECTION CERTIFICATE DT 28/09/2024 ISSUED BY THE DISTRICT FIRE OFFICER, WAYANAD
EXHIBIT P4	TRUE COPY OF THE REPORT DT 03.10.2024 ISSUED BY THE VILLAGE OFFICER, VENGAPPALLY
EXHIBIT P5	TRUE COPY OF THE NO OBJECTION CERTIFICATE DT 18/12/2024 ISSUED BY THE DISTRICT POLICE CHIEF, WAYANAD
EXHIBIT P6	TRUE COPY OF THE LETTER DT 27.01.2025 ISSUED BY THE CHAIRMAN, ZONAL LAND BOARD, WAYANAD
EXHIBIT P7	TRUE COPY OF THE LETTER DT 07/03/2025 OF THE SECRETARY, VENGAPPALLY GRAMA PANCHAYAT
EXHIBIT P8	TRUE COPY OF THE REPORT DT 27/06/2025 ISSUED BY THE TAHSILDAR, VYTHIRI TALUK
EXHIBIT P9	TRUE COPY OF THE ORDER NO DCWYD/2785/2024-M1 DT 11.09.2025 ISSUED BY THE 2ND RESPONDENT
EXHIBIT P10	TRUE COPY OF THE ORDER NO LR/11300/2025-LR(A5) DT 09.06.2026 ISSUED BY THE 1ST RESPONDENT
EXHIBIT P11	TRUE COPY OF THE LAW OFFICER'S NOTE DT 01/01/2025 ATTACHED TO OFFICE OF 2ND RESPONDENT
EXHIBIT P12	TRUE COPY OF THE REPLY DT 19/12/2024 FURNISHED UNDER THE RIGHT TO INFORMATION ACT

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CNR : KLHC010598262026



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2026:KER:74995

EXHIBIT P13

**TRUE COPY OF JUDGMENT IN WP(C) NO.30454
OF 2025 DT 03/12/2025 PASSED BY HON'BLE
HIGH COURT OF KERALA**