

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 11249 OF 2010

PETITIONER:

RAPHY JOHN, S/O. P. P. JOHN,
PUDUSSERYPADI HOUSE, THRIKKOOR DESOM,
MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

- 1 LAND REVENUE COMMISSIONER, THIRUVANANTHAPURAM.
- 2 THE DISTRICT COLLECTOR, THRISSUR.
- 3 THE REVENUE DIVISIONAL OFFICER, THRISSUR.
- 4 THE TAHSILDAR, MUKUNDAPURAM TALUK.
- 5 THE VILLAGE OFFICER, KALLOOR, MUKUNDAPURAM TALUK.
- 6 THE GEOLOGIST, THRISSUR, THRISSUR DISTRICT.
- 7 THE DIRECTOR MINING AND GEOLOGY, THIRUVANANTHAPURAM.

ADDL.R8 RUBBER BOARD, REPRESENTED BY ITS SECRETARY,
SUB JAIL ROAD, KOTTAYAM -2 - IS SUO MOTU IMPEADED AS
ADDITIONAL 8TH RESPONDENT NO.8, AS PER ORDER DATED
20/10/2014 IN WPC.

BY ADVOCATE GENERAL SRI. GOPALAKRISHNA KURUP
ADDL. ADVOCATE GENERAL SRI. K.P.JAYACHANDRAN
ADVOCATES SRI. S.RENJITH, SPL. GP TO AAG,
SRI.M.H.HANIL KUMAR, SPL. GP (REVENUE),
SRI.S.KANNAN, SR GP,
SRI. JAFAR KHAN Y, SR. GP
SRI.V.ABRAHAM MARKOS
SRI.ABRAHAM JOSEPH MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS KAKKUZHIYIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.05.2022, ALONG WITH WP(C). NO.26458/2014 AND OTHER CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:2:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944
WP(C) NO. 26458 OF 2014

PETITIONER:

RAPHY JOHN, AGED 43, S/O.JOHN,
PUDUSSERYPADY HOUSE, THRIKKUR P.O, THRISSUR 680 306.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
- 2 THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR 680 001.
- 3 THE SUB COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR 680 001.
- 4 THE TAHSILDAR,
MUKUNDAPURAM TALUK OFFICE, THRISSUR 680 001.
- 5 THE VILLAGE OFFICER,
KALLUR VILLAGE OFFICE, THRISSUR 680 001.

BY ADDL. ADVOCATE GENERAL SRI. K.P.JAYACHANDRAN
ADV. SRI. S.RENJITH, SPL. GP TO AAG

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:3:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944
WP(C) NO. 35030 OF 2016

PETITIONERS:

- 1 SREENIVASAN, S/O.VELAYUDHAN,
EDATHARA HOUSE, VALAKKAVU, MULAYAM P.O.,
THRISSUR - 680 751.
- 2 JACOB, S/O.GEORGE KUTTY,
ALAPPATTU HOUSE, MULAYAM P.O., THRISSUR - 680 751.

BY ADV. SRI. G.S.REGHUNATH

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 REVENUE SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 3 PRINCIPAL SECRETARY. INDUSTRIES DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 4 LAND REVENUE COMMISSIONER, THIRUVANANTHAPURAM - 695 001.
- 5 DIRECTOR, MINING AND GEOLOGY, KESAVADASAPURAM,
THIRUVANANTHAPURAM- 695 011.
- 6 DISTRICT COLLECTOR, CIVIL STATION, THRISSUR.
- 7 DISTRICT GEOLOGIST, MINING AND GEOLOGY DEPARTMENT,
MINI CIVIL STATION, CHEMBUKAVU, THRISSUR - 680 020.
- 8 ST.BASIL GRANITES, POOVANCHIRA P.O., THRISSUR - 680 652.
- 9 THOMSON GRANITES PVT. LTD., MANNUTHY, THRISSUR - 680 651.
- 10 TRICHUR SANDS AND GRAVELS, VELLANIKKARA P.O.,
THRISSUR - 680 551.
- 11 SAKTHI METALS, KURICHIKARA, THRISSUR - 680 028.

- 12 G.M.METAL, KURICHIKARA, THRISSUR - 680 028.
- 13 BAD BOY ALLIED CRUSHER,
MURICKUNGAL, THRISSUR - 680 121.
- 14 J.R.T.ROCK PRODUCTS PVT. LTD., CHETTICKULAM, THRISSUR - 680 721.
- 15 SAKTHI METALS, NANTHIPURAM, THRISSUR - 680 668.
- 16 ST.THERESAS METAL WORKS, ANALLOR, THRISSUR - 680 731.
- 17 EDATHADAN GRANITES, MOONNUMURY, KODAKKARA,
THRISSUR - 680 684.
- 18 SAKTHI METALS, ALOOR P.O., THRISSUR - 680 683.
- 19 UNIVERSAL INDUSTRIES, MURICKUNGAL P.O., THRISSUR - 680 121.
- 20 VILAMANA INDUSTRIES, KUTTICHIRA, THRISSUR - 680 724.
- 21 AMALA GRANITES, PARLIKKAD P.O., THRISSUR - 680 623.
- 22 ABA CRUSHER, THIPPILISSERY, THRISSUR - 680 519.
- 23 SAKTHI GRANITES, KILIMANGALAM, THRISSUR - 680 591.
- 24 CANON GRANITES, OTTAPPILAVA P.O., THRISSUR - 680 020.
- 25 DIVYA METAL INDUSTRIES, ENGAKAD, THRISSUR - 680 589.
- 26 ESSKAY INDUSTRIES, VELOOR P.O., THRISSUR - 680 601.
- 27 5 STAR GRANITES, CHERUTHURUTHI P.O., THRISSUR - 679 531.
- 28 K. V. METAL AND CRUSING INDUSTRIES, ATTOOR, THRISSUR - 680 583.
- 29 PEACOCK ROCK PRODUCTS, PARLIKKAD, THRISSUR - 680 623.
- 30 ST.MARYS GRANITES, CHERUTHURUTHY, THRISSUR - 679 531/
- 31 SOUTHERN ROCK AND MINING,
CHERUTHURUTHY, THRISSUR - 679 531.
- 32 THREE STAR GRANITES PVT. LTD., THAYYOOR, THRISSUR - 680 584.
- 33 THUNKUZHY GRANITES, VETTUKATTIRI, THRISSUR - 679 531.
- 34 UNIVERSAL ROCK PRODUCTS, KIRALLOOR, THRISSUR - 680 601.
- 35 V.M.MINERAL PRODUCTS, MULAMKUNNATHUKAVU,
THRISSUR - 680 581.
(DELETED AS PER ORDER DATED 6/2/17 IN IA NO.1201/17)
- 36 B.P.ASSOCIATES, DESAMANGALAM, THRISSUR - 679 532.
- 37 KTJ GRANITES, ALAPARA, THRISSUR - 680 563.

WP(C). 11249/2010 & other
contd cases.

-:5:-

- 38 V.V.GRANITES, PERUMBILAVU, THRISSUR - 680 519. (DELETED AS PER ORDER DATED 06.02.2017 IN IA NO.1201/2017.)
- 39 JAMS CRUSHER, THIRUVILWAMALA, THRISSUR - 680 588.
- 40 FOUR STAR GRANITES, KOTTALA, THRISSUR - 680 652.
- 41 BLUE MOUNT CRUSHERS, VELLIKULANGARA, THRISSUR - 680 699.
- 42 KVJ GRANITES, KOLAZHI, THIROOR - 680 010.
R1 TO R7 BY ADVOCATE GENERAL SRI. GOPALAKRISHNA KURUP
BY ADV. SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER (REVENUE)
BY ADV. SRI.S. RENJITH, SPECIAL GOVT. PLEADER TO AAG
R8, R9, R17, R18, R20 & R22 BY ADV.SRI.P.K.SURESH KUMAR (SR.)
ADV.S. SRI.SANTHEEP ANKARATH
SRI.K.P.SUDHEER
- R10 BY ADV. SRI.LEO LUKOSE
R11 BY ADV. SRI. DINESH MATHEW J.MURICKEN
R14 BY ADV. SRI. P.T. ABHILASH
R21 BY ADV. SRI. MILLU DANDAPANI
R23 BY ADV. SRI. P. M. ZIRAJ
R24 BY ADV. SRI. ARUN KRISHNAN
R26 TO R41 BY SENIOR ADVOCATE SRI. T.KRISHNANUNNI
R32 TO R42 BY ADV. SRI. G.SREEKUMAR (CHELUR)
R34 BY ADV. SRI.VINOD RAVINDRANATH
R36 BY ADV. SRI. SAJEEV KUMAR K. GOPAL
R37 BY ADV. SRI. K.G.BALASUBRAMANIAN
R40 BY ADV. SRI. ENOCH DAVID SIMON JOEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:6:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944
WP(C) NO. 335 OF 2017

PETITIONER:

SANEESH, AGED 34 YEARS,
S/O. SAHADEVAN, POOVANTHAYIL HOUSE,
POOYAMKUTTY, KUTTAMPUZHA, PIN:686681.

BY ADVS. SRI.P.RAMAKRISHNAN
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.S.K.HARISH
SRI.T.C.KRISHNA
SMT.PREETHI RAMAKRISHNAN
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-6950013.
- 2 THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 3 THE PRINCIPAL SECRETARY, INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 4 THE DIRECTOR, MINING AND GEOLOGY DEPARTMENT,
KESAVADASAPURAM, THIRUVANANTHAPURAM-695011.
- 5 KALANJOOR MADHU, M/S. VAJRA ROCK MINING, SREE NIKETAN,
KALANJOOR PO, PATHANAMTHITTA-689 694.
- 6 M/S. POABS GRANITES PRODUCTS PRIVATE LIMITED, CHULLI PO,
ANGAMALY-683581, REPRESENTED BY ITS MANAGING DIRECTOR.
- 7 BEST GRANITES, THIPPILLISSERY, THRISSUR-680 519,
REPRESENTED BY ITS PROPRIETOR.
- 8 UDAYA ROCK PRODUCTS, CHULLI, AYYAMPUZHA, ANGAMALY-683581,
REPRESENTED BY ITS PROPRIETOR.

WP(C). 11249/2010 & other
contd cases.

-:7:-

9 TRAVANCORE BLUE METAL INDUSTRIE, ARUVIKKARA, NEDUMANGAD,
PIN:695564, REPRESENTED BY ITS PROPRIETOR.

10 CRYSTAL GRANITES, KIZHAKKAMBALAM, ERNAKULAM-683562,
REPRESENTED BY ITS PROPRIETOR.

R1 TO R4 BY SRI. K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJITH. SPL. GOVERNMENT PLEADER TO AAG.

R5 & R5 BY ADV. SRI.PHILIP J.VETTICKATTU
R6 TO R10 BY ADV. SRI.N.JAMES KOSHY
R7 & R9 BY ADVS. SRI. P.K.SURESH KUMAR (SR.)
SRI.K.P.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:8:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944
WP(C) NO. 17010 OF 2017

PETITIONER:

K.V.RAJEEV, AGED 45 YEARS,
S/O.VELU, PLOT NO.101, MUKKUNNIMALA, EDAKKODU,
NEMOM P.O., THIRUVANANTHAPURAM-695571.

BY ADV. K.V. RAJEEV (PARTY)

RESPONDENTS:

- 1 GOVERNMENT OF INDIA, REPRESENTED BY SECRETARY,
MINISTRY OF ENVIRONMENT AND FOREST, NEW DELHI-110003.
- 2 STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
- 3 CHIEF PRINCIPAL CONSERVATOR OF FOREST,
VAZHUTHAKKADU, THIRUVANANTHAPURAM, PIN-695005.
- 4 DIRECTOR, DIRECTORATE OF GEOLOGY,
KESHAVADASAPURAM,PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695004.
- 5 LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE COMMISSIONER, PUBLIC OFFICE
BUILDING, THIRUVANANTHAPURAM, PIN-695001.
- 6 PRINCIPAL SECRETARY TO THE GOVERNMENT
MINISTRY FOR INDUSTRY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695003.
- 7 DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION,
KUDAPPANAKUNNU, THIRUVANANTHAPURAM, PIN-695006.
- 8 DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS,
VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN-695003.
- 9 TAHASILDAR, TALUK OFFICE, NEYYATTINKARA,
THIRUVANANTHAPURAM, PIN-695008.

WP(C). 11249/2010 & other
contd cases.

-:9:-

10 DIRECTOR, VIGILANCE AND ANTI-CORRUPTION BUREAU,
THIRUVANANTHAPURAM, PIN-695001.

11 CHIEF ADMINISTRATIVE OFFICER
AIR FORCE STATION, BEACH P.O., SASTHAMANGALAM,
THIRUVANANTHAPURAM, PIN-695006.

R1 BY ASSISTANT SOLICITOR GENERAL SRI. S. MANU.
BY SRI. K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL,
BY SRI. S. RENJITH, SPECIAL GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:10:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944
WP(C) NO. 12389 OF 2018

PETITIONER:

JAMES MATHEW, AGED 57 YEARS,
S/O. LATE K.POULOSE, KALATHIL HOUSE, KALANJOOR P.O.,
PATHANAMTHITTA DISTRICT, PIN-689694.

BY ADVS. SRI.LIJU.V.STEPHEN
SMT.INDU SUSAN JACOB

RESPONDENTS:

- 1 GOVERNMENT OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, NEW DELHI-110003.
- 2 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 3 ADDITIONAL CHIEF SECRETARY,
FOREST AND WILDLIFE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 4 ADDITIONAL CHIEF SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 5 PRINCIPAL SECRETARY,
INDUSTRIES AND COMMERCE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 6 DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF,
POLICE HEAD QUARTERS, VAZHUTHAKKADU, THIRUVANANTHAPURAM-
695134.
- 7 THE DIRECTOR VIGILANCE AND ANTI-CORRUPTION BUREAU
VIKAS BHAVAN, PMG, THIRUVANANTHAPURAM-695094.
- 8 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCES, FOREST HEAD QUARTERS, VAZHUTHAKKADU,
THIRUVANANTHAPURAM-695134.

WP(C). 11249/2010 & other
contd cases.

-:11:-

- 9 DIRECTOR DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695004.
- 10 DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION,
KUDAPPANAKUNNU, THIRUVANANTHAPURAM-695046.
- 11 SHRI K.J.THOMASKUTTY,
MANAGING PARTNER, SOUTHERN GRANITE INDUSTRIES,
MOOKKUNNIMALA, EDACODE, NEMAM P.O., THIRUVANANTHAPURAM.
- 12 SHRI V.SUDHAKARAN,
ROHINI SADANAM, MELAMCODE, NEMOM, THIRUVANANTHAPURAM.
- 13 M/S.KANNANTHANAM & CO.,
MALAYAM P.O., THIRUVANANTHAPURAM.
- 14 M/S.METRO AGGREGATES & SAND INDIA (P) LTD.,
EDAKKODU, MOOKKUNNIMALA, NEMAM PO., THIRUVANANTHAPURAM.

**(ADDL. R11 TO R 14 ARE IMPEADED AS PER ORDER DATED 18/6/18 IN
I.A. NO.9012/2018.)**

R1 BY ASSISTANT SOLICITOR GENERAL SRI. S. MANU
R2 TO R10 BY ADVS. SRI. S. RENJITH, SPL. GOVT. PLEADER
SRI. JAFAR KHAN, SENIOR GOVT. PLEADER

ADDL. R11 TO R14 BY ADV. SRI. ENOCH DAVID SIMON JOEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:12:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 8244 OF 2019

PETITIONER:

M/S. ANANTHAPURI BLUE METALS,
MOONNUMUKKU, CHITHARA, KOTTARAKARA, KOLLAM,
REPRESENTED BY ITS MANAGING PARTNER SRI.DILLY SUKHY.

BY ADV. SRI.ENOCH DAVID SIMON JOEL

RESPONDENT/S:

1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 DISTRICT COLLECTOR, COLLECTORATE, KOLLAM-691013.

3 **ADDL.R3**.DISTRICT GEOLOGIST, DISTRICT OFFICE,
DEPARTMENT OF MINING AND GEOLOGY, KOLLAM - 691 008 -

ADDL.R3 IS IMPEADED AS PER ORDER DATED 01/04/2019 IN I.A.1/2019.

BY ADVS. SHRI K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJITH, SPL. GOVT. PLEADER TO AAG.
SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER TO AAG

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:13:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 8913 OF 2019

PETITIONER:

SUNILKUMAR S., PROPRIETOR,
AKSHAYA GRANITES, SREELEKSHMI, REGHUNATHAPURAM,
VARKALA P.O, THIRUVANANTHAPURAM.

BY ADVS.SRI. ENOCH DAVID SIMON JOEL

SRI. PAUL JACOB (P)
SRI. GEORGE A.CHERIAN
SRI. LEO LUKOSE
SRI. SUZANNE KURIAN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001
- 2 DISTRICT COLLECTOR, COLLECTORATE, KOLLAM-691 013
- 3 **ADDL.R3**.DISTRICT GEOLOGIST, DISTRICT OFFICE, DEPARTMENT OF
MINING AND GEOLOGY, KOLLAM-691 008. - IS IMPEADED AS ADDL.R3
AS PER ORDER DATED 09.04.2019 IN IA NO.1/2019.

BY ADVS. SHRI K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJITH, SPL. GOVT. PLEADER TO AAG.
SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER TO AAG

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:14:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 10754 OF 2019

PETITIONER:

M/S. POABS ENTERPRISES PRIVATE LIMITED,
KUTTOOR P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT-689 106,
REPRESENTED BY THE MANAGING DIRECTOR SRI. JOSEPH JACOB.

BY ADV. N.JAMES KOSHY

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

2 THE DISTRICT COLLECTOR, COLLECTORATE, KOLLAM-691 013.

BY ADVS. SHRI K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJITH, SPL. GOVT. PLEADER TO AAG.
SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER TO AAG

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 34020 OF 2019

PETITIONERS:

- 1 SANTHU ANTONY, AGED 29 YEARS
S/O. ANTONY.O.M, RESIDING AT OLIAPPURAM HOUSE, CHULLY.P.O,
ERAPPU, ERNAKULAM DISTRICT-683581.
- 2 LIPIN PAUL, AGED 31 YEARS
S/O. T.S.PAUL, RESIDING AT THOTTAKKARA HOUSE, CHULLY.P.O,
ERAPPU, ERNAKULAM DISTRICT-683581.
- 3 JINOY.P.M., AGED 35 YEARS
S/O. MATHEW.P.C., RESIDING AT PUTHUSSERY HOUSE, CHULLY.P.O,
ERAPPU, ERNAKULAM DISTRICT-683581.

BY ADV. SRI. JAWAHAR JOSE

RESPONDENTS:

- 1 UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN, JORBAGH ROAD, NEW DELHI-110003.
- 2 STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 3 STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM-695001.
REPRESENTED BY ITS CHAIRMAN.
- 4 STATE EXPERT APPRAISAL COMMITTEE,
KSRTC BUS STAND TERMINAL COMPLEX,
4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM-695001,
REPRESENTED BY ITS CHAIRMAN.
- 5 DISTRICT COLLECTOR,
ERNAKULAM, COLLECTORATE, KAKKANADU,
ERNAKULAM-682030.

WP(C). 11249/2010 & other
contd cases.

-:16:-

- 6 DIRECTOR OF MINING AND GEOLOGY,
CIVIL STATION, SEAPORT AIRPORT ROAD,
KAKKANADU, ERNAKULAM-682030.
- 7 GEOLOGIST,
ERNAKULAM, DISTRICT OFFICE, CIVIL STATION,
SEAPORT AIRPORT ROAD, KAKKANADU,
ERNAKULAM-682030.
- 8 KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KADAVANTHARA, MIG AND HIG COLONY,
GANDHI NAGAR, ELAMKULAM, ERNAKULAM-682020,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER.
- 9 SRI.JOJI P.L, MANAGING PARTNER,
M/S STAR GRANITES,
THATTUPARA, CHULLY.P.O, ANGAMALY,
ERNAKULAM DISTRICT-683594.

BY ADVS. SRI. JOSEPH RONY JOSE, CGC
SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SRI. S. KANNAN, SENIOR GOVERNMENT PLEADER
SRI.S.SREEKUMAR (SR.)
SRI.SAJI MATHEW
SRI.DENU JOSEPH
SMT.NEETHU REGHUKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:17:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 3012 OF 2020

PETITIONER:

C.K.RAGHUNATH, POLIYEDATH HOUSE,
MOONNUMURI, MATTATHOOR P.O., THRISSUR-680 684.

BY ADVS. SRI. K.P.SATHEESAN (SR.)
SRI.S.VIBHEESHANAN
SRI.S.K.ADHITHYAN
SRI.SABU PULLAN
SRI.GOKUL D. SUDHAKARAN
SRI.P.MOHANDAS (ERNAKULAM)

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, (IMPACT ASSESSMENT DIVISION),
INDIRA PARYAVARAN BHAVAN, ALIGANJ, JOR BAGH ROAD,
NEW DELHI-110 003.
- 2 STATE OF KERALA,
REPRESENTED BY THE SECRETARY, INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 3 THE DIRECTOR OF MINING AND GEOLOGY,
KESAVADASAPURAM P.O., THIRUVANANTHAPURAM-695 004.
- 4 THE KERALA DISASTER MANAGEMENT AUTHORITY,
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM-695 001.
- 5 THE DISTRICT COLLECTOR, CIVIL STATION, THRISSUR-680 001.
- 6 THE GEOLOGIST, OFFICE OF THE MINING AND GEOLOGY,
THRISUSR-680 001.
- 7 KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER,
OFFICE OF THE POLLUTION CONTROL BOARD, CHEMBUKKAVU,
THRISSUR-680 020.

WP(C). 11249/2010 & other
contd cases.

-:18:-

- 8 THE TAHSILDAR,
TALUK OFFICE, CHALAKUDY TALUK, THRISSUR-680 307.
- 9 EDATHADAN GRANITES PVT.LTD.,
REPRESENTED BY ITS MANAGING PARTNER, OMBATHUNGAL,
MATTATHOOR P.O., THRISSUR-680 684.
- 10 MATTATHUR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, MATTATHUR P.O.,
THRISSUR-680 684.

BY ADVS. SHRI S. MANU, ASG OF INDIA
SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SRI. S. KANNAN, SENIOR GOVT. PLEADER
SRI. JAFAR KHAN Y, SENIOR GOVT. PLEADER
SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL
BOARD,

BY ADVS. SRI..G.SHRIKUMAR (SR.)
SRI.M.R.VENUGOPAL
SMT.DHANYA P.ASHOKAN
SRI.T.H.ABDUL AZEEZ
SRI.MOHAMMED SADIQUE.T.A
SRI.ANESH PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:19:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 4070 OF 2020

PETITIONER:

M/S. M.P.SANDS, NAYATHODU P.O, ANGAMALY,
ERNAKULAM, REPRESENTED BY ITS MANAGING PARTNER,
SRI. PAULSON P. VARKEY

BY ADVS.SRI. ASWIN GOPAKUMAR
SRI. ANWIN GOPAKUMAR
SRI. KANDAMPULLY VIKRAM
SRI. NIRANJAN SUDHIR
SRI. PRAFUL SURENDRAN

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANAD 682 030.
- 2 THE TAHSILDAR, TALUK OFFICE, ALUVA, ERNAKULAM 683101.
- 3 THE VILLAGE OFFICER,
AYYAMPUZHA VILLAGE, ERNAKULAM 683581.
- 4 THE DISTRICT GEOLOGIST,
ERNAKULAM, CIVIL STATION, KAKKANAD 682 030.
- 5 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT, TRIVANDRUM 695 001.
- 6 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF INDUSTRIES, SECRETARIAT, TRIVANDRUM 695 001
- 7 THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM 695 001.

BY SHRI K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SHRI S. RENJITH, SPECIAL GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C).NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:20:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 11627 OF 2020

PETITIONER:

MADATHARA GRANITES PRIVATE LIMITED,
3/228D, NEELIYARA, VALLEPARAMBU ROAD, MDAVANA,
PANANGADU P.O., ERNAKULAM DISTRICT-682 506,
REPRESENTED BY ITS MANAGING DIRECTOR ARUN VARGHESE.

BY ADVS. SRI.GEORGE POONTHOTTAM (SR.)
SMT.NISHA GEORGE
SRI.J.VISHNU

RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF GEOLOGY AND MINING, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE DISTRICT COLLECTOR,
DISTRICT COLLECTOR OFFICE, CIVIL STATION, KOLLAM-691 013.
- 3 THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM-695 004.
- 4 THE DISTRICT GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE,
ASRAMAM P.O., KOLLAM-691 002.
- 5 **ADDL R5**, THE GOVERNMENT OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
REVENUE DEPARTMENT IS SUO MOTU IMPLEADED AS PER ORDER
DATED 10-11-2020 IN WP(C) NO.11627/2020.

WP(C). 11249/2010 & other
contd cases.

-:21:-

BY ADVS. SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SRI. S. KANNAN, SENIOR GOVERNMENT PLEADER WITH AG
SRI. JAFAR KHAN Y., SENIOR GOVERNMENT PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C).NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:22:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 17240 OF 2020

PETITIONER:

POOMALA GRANITES,
A PARTNERSHIP FIRM REGISTERED UNDER THE INDIAN
PARTNERSHIP ACT, 9132 WITH REGISTERED OFFICE AT SREERAGAM,
VADAKKECHIRA ROAD, THRISSUR 680 020.
REPRESENTED BY ITS MANAGING PARTNER SRI. SANKAR KRISHNAN,
AGED 37 YEARS, S/O. RAMACHANDRAN, SREE RAGAM, VADAKKECHIRA
ROAD, THRISSUR 6870 020.

BY ADVS.SRI. S.K.PREMRAJ
SRI.C.ANILKUMAR (KALLESSERIL)
SRI. K.S.FRIJO

RESPONDENT:

THE TAHSILDAR,
TALUK OFFICE, THALAPPILLY, VADAKKANCHERRY,
THRISSUR 680 623.

BY SPECIAL GOVERNMENT PLEADER SRI. M.H.HANIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25.05.2022,
ALONG WITH WP(C).NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:23:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 8203 OF 2021

PETITIONER:

M/S. STAR GRANITES, THATTUPARA, CHULLY P.O., ANGAMALY,
ERNAKULAM - 683 594, REPRESENTED BY THE MANAGING PARTNER,
JOJI P.L., AGED 52 YEARS, S/O. LONAPPAN.

BY ADVS. SRI. S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.R.GITESH
SRI.AJAY BEN JOSE
SRI.MANJUNATH MENON
SRI.SACHIN JACOB AMBAT
SHRI.HARIKRISHNAN S.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE COMMISSIONER OF LAND REVENUE
REVENUE COMPLEX, PUBLIC OFFICE BUILDING, MUSEUM,
THIRUVANANTHAPURAM - 695 033.
- 3 THE DISTRICT COLLECTOR, ERNAKULAM,
COLLECTORATE, KAKKANAD P.O., KOCHI - 682 030.
- 4 DIRECTOR OF MINING AND GEOLOGY
DEPARTMENT OF MINING AND GEOLOGY, KESHAVADASAPURAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM - 695 004.
- 5 THE TAHASILDAR (LAND RECORDS), TALUK OFFICE, MINI CIVIL
STATION, CIVIL STATION RD., PERIYAR NAGAR, ALUVA - 683 101.

WP(C). 11249/2010 & other
contd cases.

-:24:-

6 MR.LIPIN PAUL, S/O.T.S.PAUL, THOTTAKKARA HOUSE, CHULLY P.O.,
ERAPPU, ERNAKULAM DISTRICT, PIN - 683 581.

R1 to R5 BY ADVS.SRI. S. RENJITH, SPECIAL GOVT. PLEADER
SRI. JAFAR KHAN Y., SENIOR GOVT. PLEADER

R6 BY ADV. SRI. JAWAHAR JOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:25:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 16223 OF 2021

PETITIONER:

STAR GRANITES, THATTUPARA, CHULLY P.O, AYYAMPUZHA,
ERNAKULAM DISTRICT, REPRESENTED BY MANAGING PARTNER,
P.L. JOJI, S/O. LONAPPAN, 53 YEARS, PUTHUSSERY HOUSE,
THABORE P.O, MOOKKANNUR, ERNAKULAM.

BY ADVS.SRI. RENJITH THAMPAN (SR.)

SRI.V.M.KRISHNAKUMAR

SMT.P.R.REENA

SRI. P.S.SIDHARTHAN

SMT. MAYA M.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 2 TAHSILDAR, TALUK OFFICE, MINI CIVIL STATION, ALUVA,
ERNAKULAM DISTRICT, PIN - 683101.
- 3 **ADDL. R3:** LIBIN PAUL S/O. T.S. PAUL,
THOTTAKKARA HOUSE, CHULLY P.O., ERNAKULAM DISTRICT.

ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 25/05/2022 IN I.A.
NO.1/2021
- 4 **ADDL.R4:** SONY KURIAKOSE, AGED 36 YEARS,
S/O. KURIAKOSE, RESIDING AT PAYNADATH HOUSE,
CHULLI P.O., AYYAMPUZHA, ANGAMALI, ERNAKULAM DIST., PIN 683 581.

ADDITIONAL R4 IS IMPEADED AS PER ORDER DATED 25/05/2022 IN I.A.
NO.2 OF 2022.

BY ADVS. SRI. S. RENJITH, SPECIAL GOVT. PLEADER

SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER

WP(C). 11249/2010 & other
contd cases.

:-26:-

ADDL. R3 BY ADV. SRI.DEEPULAL THANKAN
ADDL. R4 BY ADV. SRI. SURIN GEORGE IPE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C).NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:27:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 16880 OF 2021

PETITIONER:

SHAIJO M.M., MANGALI HOUSE, MANJAPRA P.O.,
ANGAMALI, PIN-683581.

BY ADV. SRI. GEORGEKUTTY MATHEW

RESPONDENTS:

- 1 THE LAND REVENUE COMMISSIONER,
THE OFFICE OF THE LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDING, PATTOM P.O.,
THIRUVANANTHAPURAM-695004.
- 2 THE DISTRICT COLLECTOR, KAKKANAD, ERNAKULAM-682030.
- 3 THE GEOLOGIST, DISTRICT OFFICE OF MINING AND GEOLOGY,
COLLECTORATE, KAKKANAD, ERNAKULAM-682030.
- 4 THE TAHSILDAR, THALUK OFFICE, ALUVA, ERNAKULAM-683101.
- 5 THE VILLAGE OFFICER, AYYAMPUZHA VILLAGE OFFICE,
ERNAKULAM-683581.
- 6 JOJI P.L., PUTHUSSERI HOUSE, THABORE P.O.,
ERNAKULAM-683577, MANAGING PARTNER, M/S. STAR GRANITE,
THATTUPARA, CHULLI P.O., ERNAKULAM-683581.

R1 TO R4 BY ADV. SRI. S. RENJITH, SPECIAL GOVT. PLEADER
SRI. JAFAR KHAN Y., SENIRO GOVT. PLEADER

R6 BY ADVS. SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

WP(C). 11249/2010 & other
contd cases.

-:28:-

SRI.R.GITESH
SRI.AJAY BEN JOSE
SRI.B.MANJUNATHA
SRI.SACHIN JACOB AMBAT
SRI.ANNA LINDA V.J
SRI.HARIKRISHNAN S.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:29:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 18523 OF 2021

PETITIONER:

UDAYA ROCK PRODUCTS, CHULLY P.O.,
THANIKKODE, ERNAKULAM DIST. REP.BY ITS MANAGING PARTNER,
JOHN KACHAPILLY, 75 YEARS, S/O.CHACKU, KACHAPILLY HOUSE,
ANGAMALY SOUTH, ERNAKULAM DISTRICT.

BY ADVS.SRI.V.M.KRISHNAKUMAR
SMT. P.R.REENA
SRI.P.S.SIDHARTHAN
SMT. MAYA M.

RESPONDENTS:

- 1 STATE OF KERALA,
REP.BY ITS SECRETARY, DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM PIN 695 001.
- 2 DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM, PIN 682 030.
- 3 TAHSILDAR, TALUK OFFICE, MINI CIVIL STATION, ALUVA,
ERNAKULAM DISTRICT, PIN 683 101.
- 4 **ADDL.R4**.SONY KURIAKOSE, AGED 36 YEARS
S/O.KURIAKOSE, RESIDING AT PAYNADATH HOUSE, CHILLI P.O.,
AYYAMPUZHA, ANGAMALI, ERNAKULAM DISTRICT, PIN- 683 581
IS IMPEADED AS ADDITIONAL R4 AS PER ODER DATED 27.09.2021 IN
I.A.2/2021 IN WPC 18523/2021.

BY ADVS. SRI. S. RENJITH SPECIAL GOVERNMENT PLEADER
SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER TO AAG
SRI. SURIN GEORGE IPE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25.05.2022, ALONG
WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

:-30:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 25475 OF 2021

PETITIONERS:

- 1 SHIJI THOMAS, W/O. THOMAS K PAUL,
KATTADY HOUSE, KEEZHILLAM P.O,
ERNAKULAM-683541.
- 2 THOMAS K PAUL, KATTADY HOUSE,
KEEZHILLAM P.O,
ERNAKULAM-683541.

BY ADVS.SRI. ENOCH DAVID SIMON JOEL
SRI. S.SREEDEV
SRI. RONY JOSE
SRI. LEO LUKOSE
SRI. SUZANNE KURIAN
SRI. CIMIL CHERIAN KOTTALIL

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF INDUSTRIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,
THIRUVANANTHAPURAM-695 004.
- 3 THE GEOLOGIST, MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, ERNAKULAM-682 030.
- 4 THE DISTRICT COLLECTOR, CIVIL STATION,
ERNAKULAM-682 030.
- 5 THE VILLAGE OFFICER, VILLAGE OFFICE, MULAVOOR,
ERNAKULAM-686 673.

WP(C). 11249/2010 & other
contd cases.

-:31:-

BY ADVS. SRI. M.H. HANIL KUMAR, SPECIAL GOVT. PLEADER
SRI. JAFAR KHAN Y., SENIOR GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:32:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 25917 OF 2021

PETITIONER:

M/S. POABS GRANITES PRODUCTS PRIVATE LIMITED,
CHULLY P.O., ANGAMALY, ERNAKULAM DISTRICT, PIN-683581,
REPRESENTED BY ITS DIRECTOR SRI. BINU K. MATHEW.

BY ADV. SRI. N.JAMES KOSHY(K/000232/1974)

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF MINING & GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695004.
- 3 THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, COLLECTORATE,
KAKKANADU, KOCHI-682030.
- 4 THE TAHSILDAR, TALUK OFFICE, MINI CIVIL STATION, ALUVA,
ERNAKULAM DISTRICT, PIN-683101.

BY ADVOCATE GENERAL SRI. K. GOPALAKRISHNA KURUP
BY SRI. S. RENJITH, SPECIAL GOVERNMENT PLEADER
BY SRI. S. KANNAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:33:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 29510 OF 2021

PETITIONER:

M.K. RAMACHANDRAN, AGED 62 YEARS
S/O. KRISHNAN, EZHUTHACHAN, RESIDING AT SREERAGAM,
WADAKKECHIRA ROAD, THRISSUR-680 020.

BY ADVS. SRI. S.K.PREMRAJ
SRI. C.ANILKUMAR (KALLESSERIL)
SRI. V.SARITHA
SRI. K.V.SUDHEER
SRI. P.M.MANASH
SRI. K.S.FRIJO
SMT.. REENU KURIAN
SMT. NEEMA NOOR MOHAMED
SRI. JAIN VARGHESE
SRI. NAVAS JAN A.

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE TAHASILDAR, THALAPPILLY TALUK TALUK OFFICE,
WADAKKANCHERY, THRISSUR-680 623.
- 3 THE VILLAGE OFFICER,
THEKKUMKARA VILLAGE OFFICE, THRISSUR-680 608

BY SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SRI. S. KANNAN, SENIOR GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-.:34:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WP(C) NO. 30550 OF 2021

PETITIONERS:

- 1 JOY G.P., AGED 67 YEARS
S/O. PAULO, GOPURATHINKAL ELAVOORKAVALA,
KARUKUTTY P.O, KARUKUTTY, ERNAKULAM,
KERALA-683576.
- 2 HELEN JOY, AGED 58 YEARS
W/O. JOY G.P, GOPURATHINKAL ELAVOORKAVALA,
KARUKUTTY P.O, KARUKUTTY, ERNAKULAM,
KERALA-683576.

BY ADVS. SRI. SANTHOSH MATHEW
SRI. ARUN THOMAS
SRI. JENNIS STEPHEN
SMT. KARTHIKA MARIA
SRI. ANIL SEBASTIAN PULICKEL
SMT. JAISY ELZA JOE
SRI. ABI BENNY AREECKAL
SMT. LEAH RACHEL NINAN
SRI. MATHEW NEVIN THOMAS
SMT. NIKITHA SUSAN PAULSON

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE VILLAGE OFFICER
VILLAGE OFFICE, AYYAMPUZHA, 9, MANJAPRA,
AYYAMPUZHA-KALLADA ROAD, AYYAMPUZHA, KERALA-683581.

WP(C). 11249/2010 & other
contd cases.

-.:35:-

3 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,
PATTOM PALACE P.O, THIRUVANANTHAPURAM-695 004.

BY ADV. SRI. S. RENJITH, SPECIAL GOVT. PLEADER
SHRI S.KANNAN, SENIOR G.P.(GP-49)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.05.2022,
ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:36:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 1434 OF 2017

[AGAINST THE JUDGMENT DATED 25.04.2017 IN WP(C) NO. 610/2017]

APPELLANTS/RESPONDENTS 1 TO 3 IN WP(C):

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF MINING AND GEOLOGY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM-695004.
- 3 THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM-695004.

BY SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJITH. SPECIAL GOVT. PLEADER
SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER
SRI. S. KANNAN, SENIOR GOVT. PLEADER
SRI. JAFAR KHAN Y., SENIOR GOVT. PLEADER

RESPONDENTS/PETITIONER & 4TH RESPONDENT IN W.P(C):

- 1 M/S.KANNAMTHANAM & CO.,
MALAYAM P.O., PIN 695 571, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING PARTNER,
SRI.K.J.THOMASKUTTY.
- 2 KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, PLAMOODU JN, PATTOM,
THIRUVANANTHAPURAM-695004.

WP(C). 11249/2010 & other
contd cases.

-:37:-

R1 BY ADV. SRI. ENOCH DAVID SIMON JOEL
R2 BY ADV. SRI. T. NAVEEN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 477 OF 2018

[AGAINST THE JUDGMENT DATED 25.04.2017 IN WP(C) NO. 644/2017]

APPELLANTS/RESPONDENTS 1 TO 3 & 5 IN WPC::

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY,

DEPARTMENT OF MINING AND GEOLOGY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MING AND GEOLOGY,
THIRUVANANTHAPURAM-695004.
- 3 THE GEOLOGIST, DEPARTMENT OF MINING & GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM-695004.
- 4 THE SUB INSPECTOR OF POLICE,
NARUVAMOODU POLICE STATION, NARUVAMOODU,
THIRUVANANTHAPURAM-695001.

BY SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJITH. SPECIAL GOVT. PLEADER
SRI. M.H.HANIL KUMAR, SPECIAL GOVT. PLEADER
SRI. S. KANNAN, SENIOR GOVT. PLEADER
SRI. JAFAR KHAN Y., SENIOR GOVT. PLEADER

RESPONDENTS/PETITIONER AND 4TH RESPONDENT IN WPC:

- 1 M/S SOUTHERN GRANITE INDUSTRIES,
MOOKKUNNIMALA, EDACODE, NEMOM PO,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING PARTNER,
SRI. K.J THOMASKUTTY, PIN.695020.
- 2 KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, PLAMOODU JUNCTION,
PATTOM, THIRUVANANTHAPURAM-695004.

WP(C). 11249/2010 & other
contd cases.

-.:39:-

R1 BY ADV. SRI. ENOCH DAVID SIMON JOEL
R2 BY ADV. SRI. T. NAVEEN, SC, KPCB

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

:-40:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 478 OF 2018

[AGAINST THE JUDGMENT IN WP(C) NO. 613/2017 DATED 25.04.2017]

APPELLANTS/RESPONDENTS 1 TO 3 AND 5 IN WPC:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF MINING AND GEOLOGY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY, DIRECTORATE OF MINING AND
GEOLOGY, THIRUVANANTHAPURAM-695 004.
- 3 THE GEOLOGIST, DEPARTMENT OF MINING & GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM-695 004.
- 4 THE SUB INSPECTOR OF POLICE, NARUVAMOODU POLICE STATION,
NARUVAMOODU, THIRUVANANTHAPURAM-695 001.

BY SRI. K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. JAFAR KHAN Y., SENIOR GOVT. PLEADER.

RESPONDENTS/PETITIONER AND 4TH RESPONDENT IN WPC:

- 1 METRO AGGREGATES AND SAND INDIA PVT. LTD.,
REGISTERED OFFICE, 32/2982B, SAHRUDAYA BUILDINGS,
PONNURUNNI, VYTTILA P.O, ERNAKULAM 682 019,
REPRESENTED BY DIRECTOR MR. JOSHY MATHEW.
- 2 KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, PLAMOODU JUNCTION, PATTOM,
THIRUVANANTHAPURAM-695 004.

R1 BY ADVS. SRI. ENOCH DAVID SIMON JOEL
R2 BY ADV SRI. T.NAVEEN, SC, KERALA STATE PCB

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25.05.2022, ALONG WITH
WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:41:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 480 OF 2018

[AGAINST THE JUDGMENT IN WP(C). NO. 22237/2012 DATED 25.04.2017]

APPELLANTS/RESPONDENTS 1 TO 5:

- 1 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.
- 2 DIRECTOR OF MINING GEOLOGY,
DIRECTORATE OF MINING & GEOLOGY,
THIRUVANANTHAPURAM 695 004.
- 3 THE GEOLOGIST, DEPARTMENT OF MINING & GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM 695 004.
- 4 THE DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM 695 001.
- 5 VILLAGE OFFICER, VILLAGE OFFICE, PALLIKAL VILLAGE,
THIRUVANANTHAPURAM 695 001.

BY ADVS.SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. M.H. HANIL KUMAR, SPECIAL GOVT. PLEADER (REVENUE)

RESPONDENTS/PETITIONER & RESPONDENTS 6 TO 9:

- 1 N. SOMASEKHARAN,
S/O. NARAYANAN NADAR, CHINGAM PLAVILA VEEDU,
KULANGARAKONAM, MACHERIL,
MALAYANKEEZHU AT NEYYATTINKARA,
TRIVANDRUM-20.
- 2 PALLICHAL GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.
- 3 KERALA STATE POLLUTION CONTROL BOARD,
THIRUVANANTHAPURAM,
REPRESENTED BY MEMBER SECRETARY.

WP(C). 11249/2010 & other
contd cases.

:-42:-

- 4 OMANA
W/O. LATE V.K.VELU, PLOT NO. 101, MOOKKUNNIMALA,
EDAKKODE, PALLICHAL, THIRUVANANTHAPURAM-695 001.
- 5 N. SUBAIDA BEEVI, W/O. LATE MOHAMMED SHARIF,
RUBBER PLANTATION PLOT (RPP) NO.102, MOOKKUNNIMALA,
NEMOM P.O, THIRUVANANTHAPURAM-695 001.

R1 BY ADV. SRI. JOSE PALLATTUKARAN
R2 BY ADV. SRI. T. K. ANANDA KRISHNAN
R3 BY ADV. SRI. T. NAVEEN, SC, KPCB
R7 BY ADV. SRI. B. S. SURESH (CHIRAKKARA)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25.05.2022, ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:43:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 663 OF 2018

[AGAINST THE JUDGMENT IN WP(C) NO. 10212/2012 DATED 25.04.2017]

APPELLANTS/RESPONDENTS 1 TO 5 IN WP(C):

- 1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM- 695 004.
- 3 THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM- 695 004.
- 4 THE DISTRICT COLLECTOR
COLLECTORATE, THIRUVANANTHAPURAM- 695 001.
- 5 THE VILLAGE OFFICER, VILLAGE OFFICE, PALLICHAL VILLAGE,
THIRUVANANTHAPURAM- 695 001.

BY ADV. SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI.S. RENJITH, SPECIAL GOVT. PLEADER

RESPONDENTS/PETITIONER & RESPONDENTS 6, 7, AND ADDL. 8TH RESPONDENT
IN WP(C):

- 1 M/S. SOUTHERN GRANITE INDUSTRIES
MOOKKUNNIMALA EDACODE, NEMOM P.O., THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING PARTNER.
- 2 OMANA, W/O.LATE V.K.VELU,
PLOT NO.101, MUKKUNIMALA, EDAKKODE, PALLICHAL,
THIRUVANANTHAPURAM- 695 020.
- 3 N. SUBAIDA BEEVI, W/O. LATE MUHAMMED SHERIF,
RUBBER PLANTATION, PLOT(R.P.P) NO.102, MOOKKUNNIMALA,
NEMAM P.O., THIRUVANANTHAPURAM- 695 020.

WP(C). 11249/2010 & other
contd cases.

:-44:-

4 SUBHADRAMMA, W/O.LATE A.P.GOPALAKRISHNA PANICKER,
RESIDING AT BLOCK NO.100, VISHAKHAM,MOOKKUNNIMALA P.O.,
MACHEL, THIRUVANANTHAPURAM- 695 020.

R1 BY ADV. SRI. ENOCH DAVID SIMON JOEL

R2 BY ADV. SRI. K.C.ELDO

R3 BY ADV. .SRI. B.S.SURESH (CHIRAKKAL)

R4 BY ADV. SRI. V.V.SURENDRAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25.05.2022, ALONG
WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:45:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 712 OF 2018

[AGAINST THE JUDGMENT IN WP(C) NO. 12277/2012 DATED 25.04.2017]

APPELLANTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM-695004.
- 3 THE GEOLOGIST, DEPARTMENT OF MINING & GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM-695004.
- 4 THE DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM-695001.
- 5 THE VILLAGE OFFICER, VILLAGE OFFICE, PALLICHAL VILLAGE,
THIRUVANANTHAPURAM-695001.

BY SRI. K..P. JAYACHANDRAN, ADDITIONAL ADVOCATE GENERAL
SRI. M.H. HANIL KUMAR, SPECIAL GOVT. PLEADER (REVENUE)

RESPONDENT/PETITIONER:

METRO AGGREGATES & SAND INDIA PVT. LTD.
REGISTERED OFFICE, 32/2982 B, SAHRUDAYA BUILDINGS,
PONNURUNNI, VYTTILA P.O., ERNAKULAM-682019,
REPRESENTED BY DIRECTOR, JOSHY MATHEW.

BY ADV. SRI. ENOCH DAVID SIMON JOEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25.05.2022, ALONG
WITH WP(C). NO.11249/2010 AND CONNECTED CASES, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

:-46:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 713 OF 2018

[AGAINST THE JUDGMENT IN WP(C) NO. 12101/2012 DATED 25.04.2017]

APPELLANTS/RESPONDENTS 1 TO 5 IN WPC:

1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM-695 004.

3 THE GEOLOGIST, DEPARTMENT OF MINING & GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM-695 004.

4 THE DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM, PIN-695001.

5 THE VILLAGE OFFICER, VILLAGE OFFICE,
PALLICHAL VILLAGE, THIRUVANANTHAPURAM-695001.

BY SRI. K..P. JAYACHANDRAN, ADDITIONAL ADVOCATE GENERAL
SRI. M.H. HANIL KUMAR, SPECIAL GOVT. PLEADER (REVENUE)
SRI. JAFAR KHAN Y., SENIOR GOVT. PLEADER

RESPONDENTS/PETITIONER IN WPC:

ROBERTERSE, AYYAMPURATHU MELE VEEDU,
KULANGARAKONAM, MACHERI P.O., THIRUVANANTHAPURAM-695 571.

BY ADV. SRI. ENOCH DAVID SIMON JOEL (B/O)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25.05.2022, ALONG
WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:47:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 714 OF 2018

[AGAINST THE JUDGMENT IN WP(C) NO. 10238/2012 DATED 25.04.2017]

APPELLANTS/RESPONDENTS 1 TO 3 IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE DIRECTOR, DEPARTMENT OF MINING & GEOLOGY,
THIRUVANANTHAPURAM - 695 001.
- 3 THE GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE,
THIRUVANANTHAPURAM - 695 001.
- 4 THE DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM - 695 001.
- 5 THE VILLAGE OFFICER,
VILLAGE OFFICE, PALLICHAL VILLAGE,
THIRUVANANTHAPURAM - 695 001.

BY SRI. K..P. JAYACHANDRAN, ADDITIONAL ADVOCATE GENERAL
SRI. M.H. HANIL KUMAR, SPECIAL GOVT. PLEADER (REVENUE)

RESPONDENT/PETITIONER IN WPC:

M/S. K.K.ROCKS & GRANITES INDIA (P) LTD.
KOTTAKKAL, TC 2/3497, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR, ARUN VARGHESE.

BY ADV. SRI. ENOCH DAVID SIMON JOEL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG
WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

:-48:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 1453 OF 2019

[ARISING OUT OF THE JUDGMENT DATED 21.05.2019 PASSED BY THE LEARNED
SINGLE JUDGE IN WP(C) NO.36643/2007]

APPELLANT/PETITIONER:

MAHINDRA HOLIDAYS AND RESORTS INDIA LIMITED,
CHINNAKANAL VILLAGE, IDUKKI DISTRICT - 685 618.
REPRESENTED BY ITS GENERAL MANAGER.

BY ADVS. SRI. ARAVIND P. DATAR
SRI.NISHIL.P.S.
SRI.A.VELAPPAN NAIR
SRI.GEORGIE JOHNY
SRI.GILBERT GEORGE CORREYA

RESPONDENTS/RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE COMMISSIONER OF LAND REVENUE,
GOVERNMENT OF KERALA, PUBLIC OFFICE BUILDING,
MUSEUM JUNCTION, THIRUVANANTHAPURAM-695 033.
- 3 THE SUB COLLECTOR, DEVIKULAM, IDUKKI DISTRICT-685 613.
- 4 THE TAHSILDAR, UDUMBANCHOLA-685 554.

BY SHRI K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJIGH, SPECIAL GOVT. PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG
WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:49:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 1145 OF 2020

[AGAINST THE JUDGMENT DATED 06.08.2020 IN W.P.(C) NO.24806/2019 THE LEARNED
SINGLE JUDGE OF THIS HON'BLE COURT]

APPELLANT/12TH RESPONDENT IN W.P(C):

M/S. EDATHADAN GRANITES (PRIVATE) LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
OMBATHUNGAL,MATTATHUR P.O., THRISSUR DISTRICT, PIN-680 684.

BY ADV, SRI. T.H.ABDUL AZEEZ

RESPONDENTS/WRIT PETITIONERS & RESPONDENTS 1 TO 11 & 13 TO 15 IN W.P.(C):

- 1 PETER, AGED 57 YEARS,
S/O. DEVASSY, NADUVILEVEETIL HOUSE, MATTATHOOR P.O.,
THRISSUR DISTRICT, PIN-680 684.
- 2 SAJIN JOHN, S/O.JOHN, POONKAVANAM HOUSE, PADY P.O.,
THRISSUR DISTRICT, PIN-680 699.
- 3 ISACC CHERIYAN,
PONNAL HOUSE, MATTATHOOR P.O.,
THRISSUR DISTRICT, PIN-680 684.
- 4 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAVAN,
ALINGANJ, JORBAGH ROAD, NEW DELHI, PIN-110 003.
- 5 THE DIRECTOR OF MINING AND GEOLOGY,
KESAVADASAPURAM P.O., THIRUVANANTHAPURAM, PIN-695 001.
- 6 THE KERALA DISASTER MANAGEMENT AUTHORITY,
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM, PIN-695 001.
- 7 THE DISTRICT COLLECTOR,

- COLLECTORATE, THRISSUR DISTRICT, PIN-680 001.
- 8 THE GEOLOGIST, OFFICE OF MINING AND GEOLOGY,
THRISSUR DISTRICT, PIN-680 001.
- 9 THE DIVISIONAL FOREST OFFICER,
CHALAKKUDY P.O., THRISSUR DISTRICT, PIN-680 307.
- 10 KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE OF POLLUTION CONTROL BOARD,
CHEMBUKAVU, THRISSUR P.O.,
THRISSUR DISTRICT, PIN-680 020.
- 11 THE TALUK SURVEYOR, TALUK OFFICE, CHALAKKUDY,
CHALAKKUDY P.O., THRISSUR DISTRICT, PIN-680 307.
- 12 THE EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT, SUB DIVISION-I,
CHALAKKUDY P.O., THRISSUR DISTRICT, PIN-680 307.
- 13 THE MATTATHUR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, MATTATHOOR P.O.,
THRISSUR DISTRICT, PIN-680 684.
- 14 THE CIRCLE INSPECTOR OF POLICE,
VELLIKULANGARA POLICE STATION,
THRISSUR DISTRICT, PIN-680 699.
- 15 THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN-695 001.
- 16 THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN-695 001.
- 17 THE STATE LEVEL ENVIRONMENT IMPACT ASSESSING AUTHORITY,
(SEIAA), REPRESENTED BY ITS MEMBER SECRETARY,
K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR,
THIRUVANANTHAPURAM DISTRICT, PIN-695 001.

R1 BY ADV. SRI.GEORGEKUTTY MATHEW
ADV. SRI. ADV. SRI.RAJAGOPALAN.A., CGC

BY ADV. SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL
ADV. SRI. S. KANNAN, SENIOR GOVT.PLEADER

R10 BY ADV. SRI. T. NAVEEN, SC
R13 BY ADVS. SRI.M.R.VENUGOPAL

WP(C). 11249/2010 & other
contd cases.

:-51:-

SMT. DHANYA P.ASHOKAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:52:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 1397 OF 2020

[AGAINST THE JUDGMENT IN WP(C) NO.24806/2019 DATED 06/08/2020]

APPELLANTS/PETITIONERS IN WRIT PETITION:

- 1 PETER, S/O. DEVASSY, NADUVILEVEETIL HOUSE
MATTATHOOR P O, THRISSUR DISTRICT, PIN - 680684.
- 2 SAJIN JOHN, S/O. JOHN, POONKAVANAM HOUSE, PADY PO,
THRISSUR DISTRICT, PIN - 680699.
- 3 ISACC CHERIYAN, PONNAL HOUSE, MATTATHOOR PO,
THRISSUR DISTRICT, PIN - 680684.

BY ADV. SRI. GEORGEKUTTY MATHEW

RESPONDENTS/RESPONDENTS IN THE WRIT PETITION:

- 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN, ALIGANJ, JORBAGH ROAD,
NEW DELHI - 110003,
- 2 THE DIRECTOR OF MINING AND GEOLOGY,
KESAVADASAPURAM P O, THIRUVANANTHAPURAM, PIN - 695001.
- 3 THE KERALA DISASTER MANAGEMENT AUTHORITY,
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM, PIN - 695001.
- 4 THE DISTRICT COLLECTOR,
COLLECTORATE, THRISSUR DISTRICT, PIN - 680001.
- 5 THE GEOLOGIST, OFFICE OF MINING AND GEOLOGY,
THRISSUR DISTRICT, PIN - 680001.
- 6 THE DIVISIONAL FOREST OFFICER,
CHALAKKUDY P.O, THRISSUR DISTRICT, PIN - 680307,

- 7 KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE OF POLLUTION CONTROL BOARD,
CHEMBUKAVU, THRISSUR - P.O, PIN - 680020.
- 8 THE TALUK SURVEYOR, TALUK OFFICE, CHALAKKUDY,
CHALAKKUDY PO, THRISSUR DISTRICT, PIN - 680307.
- 9 THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, SUB DIVISION I,
CHALAKKUDY P.O, THRISSUR DISTRICT, PIN - 680307.
- 10 THE MATTATHUR GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, MATTATHOOR PO,
THRISSUR DISTRICT, PIN - 680684,
- 11 THE CIRCLE INSPECTOR OF POLICE,
VELLIKULANGARA POLICE STATION, THRISSUR DISTRICT, PIN - 680699.
- 12 EDATHADAN GRANITES (PRIVATE) LIMITED,
REPRESENTED BY ITS MANAGING PARTNER, OMBATHUNGAL,
MATTATHUR PO, THRISSUR DISTRICT, PIN - 680684.
- 13 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 14 THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 15 THE STATE LEVEL ENVIRONMENT IMPACTS ASSESSMENT
AUTHORITY(SEIAA), KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMBANOOR, THIRUVANANTHAPURAM, PIN - 695001,
REPRESENTED BY ITS MEMBER SECRETARY.

BY ADV. SRI. S. MANU, CGC

BY ADVS. SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL

SRI. S. KANNAN, SENIOR GOVT. PLEADER

SRI. JAFAR KHAN Y., SENIOR GOVT. PLEADER

BY ADVS.SRI.M.R.VENUGOPAL

SRI.T.H.ABDUL AZEEZ

SMT.DHANYA P.ASHOKAN

SRI.MOHAMMED SADIQUE.T.A

BY ADV. SRI. T. NAVEEN, SC, KERALA STATE POLLUTION CONTROL
BOARD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG
WITH WP(C).11249/2010 AND CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C). 11249/2010 & other
contd cases.

-:54:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944

WA NO. 8 OF 2022

[AGAINST THE JUDGMENT DATED 05.10.2021 IN WP(C) NO.1026/2021]

APPELLANTS/RESPONDENTS 2, 3 AND ADDL. 4TH RESPONDENT IN WP(C):

- 1 THE ADDITIONAL DISTRICT MAGISTRATE,
KUYILIMALA, PAINAVU P.O., IDUKKI-685 603.
- 2 THE DISTRICT COLLECTOR,
KUYILIMALA, PAINAVU P.O., IDUKKI-685 603.
- 3 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

BY ADVS.SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL
SRI. S. RENJITH, SPECIAL GOVT. PLEADER

RESPONDENTS/PETITIONER & 1ST RESPONDENT IN WP(C):

- 1 THOMAS TOM, S/O. THOMAS ZACHARIA,
VELLOOKKUNNEL HOUSE, CHINNAKKANAL, IDUKKI, PIN-685618
- 2 INDIA OIL CORPORATION LTD.,
COCHIN DIVISIONAL OFFICE, PANAMPILLY AVENUE,
PANAMPILLY NAGAR P.O., ERNAKULAM-682 036,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER.

BY ADVS. SRI. ARUN CHANDRAN
SRI. M.GOPIKRISHNAN NAMBIAR
SRI. K.JOHN MATHAI
SRI. JOSON MANAVALAN
SRI. KURYAN THOMAS
SRI. PAULOSE C. ABRAHAM
SRI. RAJA KANNAN
SMT. NISHA GEORGE

WP(C). 11249/2010 & other
contd cases.

:-55:-

SRI. J.VISHNU
SRI. VISHNU B. KURUP
SRI. A.L.NAVANEETH KRISHNAN
SMT. CHITHRA P.GEORGE
SRI. REGINALD VALSALAN
SRI. LUKE J. CHIRAYIL
SMT. HANA KARNOLIA MADONA CYRIL
SRI. ANSHIN K.K.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25.05.2022, ALONG WITH WP(C). NO.11249/2010 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

[W.P.(C) Nos. 11249/2010, 26458/2014, 35030/2016, 335/2017,
17010/2017, 12389/2018, 8244/2019, 8913/2019, 10754/2019,
34020/2019, 3012/2020, 4070/2020, 11627/2020, 17240/2020,
8203/2021, 16223/2021, 16880/2021, 18523/2021, 25475/2021,
25917/2021, 29510/2021, 30550/2021,

and

W.A. Nos. 1434/2017, 477/2018, 478/2018, 480/2018, 663/2018,
712/2018, 713/2018, 714/2018, 1453/2019, 1397/2020,
1145/2020 & 8/2022]

SHAJI P. CHALY

The captioned writ petitions and *intra* court appeals are materially connected in regard to the grant of, or application submitted for quarrying lease, by or before the State Government; the stop memos issued thereunder by the revenue authorities; the rejection of applications for quarrying etc., in the lands specially assigned for cultivation, or house sites or beneficial enjoyment of adjoining lands or for other specific and special purposes, under the Kerala Government Land Assignment Act, 1960 (hereinafter referred to, as 'the Act, 1960'), and the rules framed thereunder; such as the Kerala Land Assignment Rules, 1964 (hereinafter referred to as 'the Rules, 1964'), the Special Rules for Assignment of Government Lands for Rubber Cultivation, 1960, and the Arable Forest Land Assignment Rules, 1970.

2. Most of the writ petitions before us, are consequent to the reference orders passed by learned single Judges dated 12.07.2019 & 15.02.2022, the reason for which would be specified later. Some are public interest litigation against the quarrying operations conducted in the assigned lands.

3. In all the cases filed by the quarry operators, they are the purchasers of lands from primary assignees, which is undisputed. In fact, the Rules of Assignment under the Rules specified above, relating to reservation of rights of the Government, and to mine and quarries, subjacent to the assigned lands, are materially one and the same. In the rules, State Government have reserved its share to mines and quarries, subjacent to the land in its favour; which thus means, the assignment was made by the Government to primary assignees, to use the topsoil of the assigned land for cultivation or house construction or for beneficial enjoyment of adjoining lands. The rules in regard to the same; the clauses contained in Appendix I and II of Rule 9 of the Rules, 1964; and the other Rules specified above, will be discussed later.

4. In fact, the purchasers of the lands assigned under the rules specified above, claim that they are entitled to conduct quarrying operations, in accordance with the Kerala Minor Mineral Concession Rules, 2015, formulated by the State Government, by virtue of the powers

conferred under Section 15 of the Mines and Minerals (Development and Regulation), Act, 1957, a Central enactment. Section 15(1A)(e) of the Act, 1957 deals with the procedure for obtaining quarry leases, mining leases or other mineral concessions.

5. Section 3(c) of the Act, 1957 defines mining lease as a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose.

6. Rule 4 of the Kerala Minor Mineral Concession Rules, 2015 deals with the application for quarrying permit. Section 4(2)(c) of the Rules, 2015 provides for a certificate from the Village Officer concerned to the effect that the land in respect of which quarrying permit is applied for, is not assigned for any special purpose by the department of Land Revenue. Rule 27 of the Rules, 2015 deals with an application for grant or renewal of a quarrying lease, which shall be made to the competent authority in Form 'B', and among other conditions, it insists for a certificate from the Village Officer concerned to the effect that the land applied for quarrying lease, is not assigned for any special purpose by the department of Land Revenue.

7. In fact, in some of the cases, based on the application submitted by the purchasers of the lands assigned, quarrying leases/permits were granted by the authorities concerned, on the basis of Non Assignment Certificate issued by the Village Officer concerned.

8. The case projected by the State Government is that the writ petitioners/quarry operators have secured quarrying lease, without properly disclosing the nature of assignment granted by the concerned authority to the primary assignees, at the time of submission of the applications. Admittedly, after obtaining necessary permit/licence, on the basis of the quarrying leases, some of the writ petitioners are carrying on quarrying operations in the lands assigned originally for cultivation and other agricultural and allied purposes. While so, stop memos were issued to such writ petitioners by the respective Tahsildars/District Collector, stating that quarrying operations were being carried out in the lands assigned for agricultural purposes, and therefore, it should have to be stopped forthwith.

9. The case projected by the writ petitioners is that when the State Government, invoking its power to grant reserved rights in minerals subjacent to the assigned lands, have consciously granted quarrying leases, the Government itself cannot object to the mining, stating that it is in violation of the Kerala Land Assignment Rules, 1964, and the other rules framed under the Act, 1960. However, a learned single Judge of this Court, in a batch of writ petitions, after considering the provisions of the Rules, 1964 and the other rules; clauses contained under the Orders of Assignment/Patta issued, and taking into account the provisions of Kerala Minor Mineral Concession Rules, 1967 (now replaced by Rules, 2015), in

Omana v. Anil Kumar [2017 (4) KLT 481], held as under:

“For the same reasons, I also do not find merit in the contention advanced on behalf of the State Government that the quarrying leases obtained by the leaseholders are liable to be cancelled on the ground that they were obtained without a proper disclosure of the nature of the lands in respect of which the leases were applied for and obtained, and the restrictive covenants that applied to the said land. The Government having exercised its executive power while granting quarrying leases, pursuant to an express reservation of the power at the time of assignment of the lands, cannot be heard to say that it was not aware of the basic purpose for which the lands were assigned. Thus, I answer issues (ii) and (iii) in the negative and in favour of the quarrying leaseholders.”

10. Consequently, the learned single Judge set aside the stop memos impugned therein, issued by the Revenue authorities against quarrying operations. When matters stood thus, another learned single Judge, while considering W.P.(C) Nos.8244/2019, 8913/2019 & 10754/2019 of similar nature, doubted the correctness of the decision in **Omana's** case (cited supra) and referred the writ petitions vide order dated 12.07.2019.

11. The State Government and its officials have also preferred appeals against the judgment of the learned single Judge in **Omana** (cited supra), and other connected cases, which are the appeals tagged along with the batch.

12. The very same learned single Judge, who referred the writ petitions, as per the reference order stated supra, has considered the issue in **Mahindra Holidays & Resorts India Limited v. State of Kerala**

[2019 (2) KLT 978], wherein it is held that the lands belonging to the State are held by the Government in its capacity of a public trustee; and when topsoil rights are given for specific purposes, the moment there is a breach of such purposes, the assignment of land will have to be revoked. In fact, the said view of the learned single Judge was on the basis of a judgment in W.P.(C) No.9605/2008 dated 13.08.2009, wherein it was held that the land assigned for rubber cultivation cannot be used for quarrying, without there being a decision on the part of the Government relaxing the conditions of patta. In fact, the said judgment was upheld by a Hon'ble Division Bench in a writ appeal, and though a special leave petition was filed against the same before the Hon'ble Supreme Court, it was also dismissed, which would be discussed in detail, later.

13. Likewise, another learned single Judge of this Court in **Haridas v. State of Kerala and Others** [2016 (5) KHC 615], had taken a view that when land is assigned for specific purposes, it cannot be said that if there is no prohibition in using it for any other purpose then, an assignee or a subsequent owner could use it for any purpose to which a land is normally put to. Among others, it was further observed therein that the essence is in the assignment made, for a specific purpose, which survives time and tide.

14. When the writ appeals and referred writ petitions were pending before this Court, vide order dated 15.02.2022, another learned single

Judge of this Court posted the connected matters to the Division Bench, and it was accordingly, all the matters are posted together.

15. The common question emerges for consideration is as to whether the lands assigned for cultivation or house sites etc., can be utilized for quarrying, or for other commercial activities, since such action is violative of the conditions of Orders of Assignment/Patta issued by the appropriate statutory authority, and the Act and the rules mentioned above.

16. In order to have a proper understanding of the cases, we deem it appropriate to refer briefly to the facts of each case.

17. Petitioner in W.P.(C) No.11249/2010 is the owner and in possession of a certain extent of land in Kallur village, Thrissur district. His properties are covered by patta issued under the Land Assignment Rules. Since the property in question was allegedly not feasible for cultivation purpose, he submitted a request to the District Collector, Thrissur, respondent No.2 therein, seeking permission to use the said land for any other purpose, other than cultivation. The 2nd respondent directed the Revenue Divisional Officer and Tahsildar (respondents 3 and 4), to conduct an enquiry and furnish a report. On that basis, the Tahsildar conducted an enquiry and the Village Officer concerned conducted a site inspection also. It was reported that the land in question is covered under the Special Rules for Assignment of Government Land for Rubber Cultivation and condition

No.1 of Patta (Assignment Order) stipulates that the assignee shall not use the land except for the purpose for which it was assigned. In that view of the matter, the 2nd respondent, as per Exhibit-P6 order dated 29.11.2008, rejected the request of the writ petitioner. However, the Director, Mining and Geology, issued a quarrying lease, in favour of the petitioner therein.

18. It is further submitted that even though an appeal was preferred against the said order before the Commissioner for Land Revenue, it was rejected as per Exhibit-P7 order dated 28.01.2010, affirming the view taken by the District Collector.

19. The basic contention put forth by the petitioner in the above said writ petition is that the entire property is a rocky land and the same cannot be used for agricultural purpose. The District Collector, Thrissur, respondent No.2, has filed a detailed counter affidavit stating that the property purchased by the petitioner was primarily assigned to Mr. Ravunni, Mr. Chakrapani, and Mr. Balakrishnan, through various pattas under the Special Rules for Assignment of Government Lands for Rubber Cultivation, 1960. It was also contended that under Rule 3(1) of the Special Rules, land is to be assigned for rubber cultivation on licence, without auction to "poor persons", who are either agricultural labourers or unemployed persons, and under Rule 4, the licence granted can only be for the right to occupation and cultivation of rubber on the allotted land. Therefore, it is contended

that quarrying operations on the said land cannot be permitted.

20. The District Collector in his counter affidavit has further contended that the land in question is a forest land assigned under the Special Rules, solely for the purpose of rubber cultivation, and therefore, the land cannot be put to use for any other purpose other than the purpose for which it was assigned. At any rate, quarrying operations on the said forest land also cannot be permitted. It was also contended that if the petitioner therein puts his land to use for any other purpose, the land can be resumed by the Government under the provisions of Land Assignment Act and rules.

21. Respondent No.6 - Geologist, has filed a counter affidavit stating that it is the policy of the Government, not to permit quarrying operations in the assigned land and also in the exempted lands under the Kerala Land Reforms Act. It was further contended that the quarrying permits issued by the geologists for quarrying are only in the lands, which are not assigned, and therefore, quarries are not permitted to function in the patta lands.

22. The petitioner in W.P.(C) No.11249/2010 has also filed W.P.(C) No.26458/2014, raising the very same contentions, however, challenging Exhibit-P9 order passed by the Revenue Divisional Officer, Thrissur dated 27.09.2014 rejecting the application for utilisation of the property for other purposes; in which it is stated that W.P.(C) No.11249/2010 is pending

consideration before the High Court.

23. W.P.(C) No.35030/2016 is filed by one Mr. Sreenivasan and Mr. Jacob, seeking for a declaration that quarries and crusher units functioning in the assigned lands are illegal and cannot be used for the purposes other than for the assigned purpose; and that, if they are so operating, in contravention of the conditions of assignment, the same is liable to be cancelled by the competent authority. They have also sought for a direction, commanding the District Collector, Thrissur, respondent No.6 therein, to initiate appropriate proceedings against respondents 8 to 42, on the basis of Exhibit-P8 representation seeking to cancel their licence/permit, taking into account Exhibit-P2 order passed in a similar case, and pass orders therein, as expeditiously as possible, within a time frame to be fixed by this Court.

24. W.P.(C) No.335/2017 is a public interest writ petition, filed for a direction to the State and its officials, to initiate action against the quarries and crusher units functioning in the land assigned under the Kerala Land Assignment Act, 1960 and the rules framed thereunder, and to cancel the pattas/registry.

25. W.P.(C) No.17010/2017 is also a public interest writ petition filed, challenging the functioning of quarries in Mukkunnimala area, having an extent of 524.54 acres, which is the subject matter of Writ Appeals filed by

the State Government, in the common judgment in Omana (cited supra), basically contending that it is a reserved forest and assignment of land was granted during 1961 for rubber plantation under the Special Rules. In the said writ petition, petitioner has sought for a direction to stop functioning of all the industrial units in the subject area and the area allotted under the Special Rules for Assignment of Government Land for Rubber Cultivation, 1960, in Pallichal village.

26. W.P.(C) No.12389/2018 is also a Public Interest Litigation, filed by one Mr. James Mathew, for a direction to the State Government and its officials, to conduct an enquiry, in order to identify the unauthorized quarrying and unassigned Reserve Forest in Mukkunnimala area. He has also sought for a direction to initiate legal action against quarrying in the assigned forest land of 423.5 Acres of land in Mukkunnimala area, violating the provisions of the Forest Conservation Act, 1980.

27. W.P.(C) Nos.8244/2019, 8913/2019 and 10754/2019 are filed by various quarry operators, challenging the stop memos (Exhibits-P3, P5 and P14 in the respective writ petitions), issued by the District Collector, Kollam, directing to stop the quarrying activities conducted in the petitioners' properties, finding that the quarry and crusher unit conducted by the petitioners therein are in the lands assigned under the Arable Forest Land Assignment Rules, 1970.

28. In fact, the petitioner in W.P.(C) No.8244/2019 was granted mining lease on 31.10.2018 and later, he has produced Exhibit-P7 mining lease, which was executed by the Additional Director of Mining and Geology, for a period of 5 years from 11.03.2019 onwards.

29. The petitioner in W.P.(C) No.8913/2019 submits that his unit is conducted on the basis of a mining lease (Exhibit-P1) dated 15.03.2017, which is valid for a period of 12 years, and it would expire only on 14.03.2029.

30. The petitioner in W.P.(C) No.10754/2019 also submits that the company is conducting the quarrying unit based on a mining lease (Exhibit-P13) dated 25.10.2018 which is valid for a period of 8 years and the said mining lease would expire only on 24.10.2026.

31. The said writ petitions are the ones, referred by the learned single Judge, doubting the correctness of the judgment in **Omana's** case (cited supra) as per order dated 12.7. 2019.

32. W.P.(C) No.34020/2019 is filed by one Santhu Antony and others, who are permanent residents and property holders in Ayyampuzha village, Ernakulam district. They are allegedly aggrieved by the quarrying operations carried out by the 9th respondent, managing partner of M/s. Star Granites, in the properties, which was primarily assigned in favour of the predecessors in interest of the properties under the Rules, 1964, evident

from Exhibits-P30 and P31 series of pattas produced. Inter alia, petitioners therein have sought for a direction to the District Collector, Ernakulam to take steps to cancel the patta issued under the Rules, 1964.

33. W.P.(C) No.3012/2020 is a Public Interest Litigation filed by one Mr. C.K.Raghunath, allegedly aggrieved by the inaction on the part of the State and its officials to take appropriate action to stop the quarry, as well as crusher unit, run by M/s. Edathadan Granites Pvt. Ltd., represented by its Managing Partner, Thrissur, respondent No.9 therein. Respondent No.9 is the 12th respondent in W.P.(C) No.24806/2019, which is the subject matter of W.A. Nos. 1397 & 1145 of 2020, tagged along with this batch.

34. W.P.(C) No.4070/2020 is filed challenging Exhibit-P6 stop memo issued by the Tahsildar, Aluva, directing to stop all the quarrying activities conducted in the assigned land for agricultural purposes. It is also a case referred by the learned single Judge vide reference order dated 15.02.2022.

35. W.P.(C) No.11627/2020 is filed by a private limited company engaged in quarrying. The petitioner therein is in ownership of 3.2568 hectares of land comprised in various survey numbers of Chithara village, Kottarakkara taluk, Kollam district, which is admittedly assigned in favour of predecessors in interest of the property under the Arable Forest Land Assignment Rules, 1970. Apparently, the petitioner has secured Exhibit-P2 Non Assignment Certificate dated 23.08.2017 from the Village Officer,

Chithara, in contemplation of Rule 27(2)(f) of the KMMC Rules, 2015, *inter alia*, certifying that the said extent of lands were not assigned for any special purpose. On the basis of the said certificate, petitioner filed an application and secured a Letter of Intent from the Department of Mining and Geology, with a condition that quarrying lease shall be granted in favour of the petitioner only after obtaining necessary clarification from the District Collector, Kollam. However, by Exhibit-P6 communication issued by the Director of Mining and Geology, Thiruvananthapuram, respondent No.3, the petitioner was informed that since the property covered by the application was found to be one assigned under the Rules, 1970, it cannot be used for quarrying purposes, subject to a clarification to be issued by the appropriate statutory authority. Anyhow, as per Exhibit-P9 letter issued by the District Geologist, Kollam dated 10.12.2019, the petitioner was informed that the property was primarily assigned under the provisions of Kerala Government Land Assignment Act, 1960 and the rules thereto, and therefore, permission cannot be granted for conducting quarrying operations. It is challenging the said order, the writ petition is filed.

36. W.P.(C) No.17240/2020 is filed by a partnership firm "Poomala Granites", challenging Exhibit-P21 order of the Tahsildar, Thrissur, denying permission to conduct quarry in the assigned lands. Petitioner therein has contended that even though they have produced Exhibit-P11 mining sketch,

it has not been countersigned by the Tahsildar, and therefore, seeks a direction for the same. The Village Officer, Thekkumkara, has filed a statement in the said writ petition pointing out that the land in question was assigned under Rule 9 of the Rules, 1964 and, therefore, permission cannot be granted to the petitioner therein, for conducting quarrying operations.

37. W.P.(C) No.8203/2021 is filed by a quarry operator, viz., M/s. Star Granites, a partnership firm, challenging Exhibit-P15 order issued by the Commissioner of Land Revenue, Thiruvananthapuram, respondent No.2 therein, dated 5.3.2021, directing to stop the quarry, if it is functioning in the assigned lands for special purposes. The contention raised by the petitioner therein is that they are doing quarrying activities in the said land, on the basis of a quarrying lease executed on 3.6.2020 for a period of 5 years, which would expire only on 2.6.2025 (Exhibit-P13). In the said writ petition, the Tahsildar (Land Records), Aluva, respondent No.5, has filed a statement pointing out that the land assigned for residential/agricultural purpose cannot be used for quarrying purposes, and it was accordingly, Annexure-R5(b) stop memo dated 4.8.2021 was issued by the Director of Mining & Geology, Thiruvananthapuram, respondent No.4 therein.

38. W.P.(C) No.16223/2021 is also filed by M/s. Star Granites, the petitioner in W.P.(C) No.8203/2021, challenging Exhibit-P8 stop memo issued by the Tahsildar, Aluva, respondent No.2 therein, dated 4.8.2021,

directing to stop the quarry conducted in the assigned lands under the Kerala Government Land Assignment Act, 1960 and Rules, 1964. The case projected by the petitioner therein is that mining lease was granted as per the order of Director of Mining and Geology dated 1.6.2020, for a period of 5 years. However, perusal of the files would reveal that no mining lease has been produced in the said writ petition. Said writ petition is also one referred by the learned single Judge vide order dated 15.02.2022.

39. W.P.(C) No.16880/2021 is filed by one Mr. Shaijo M.M., seeking for a direction to implement Exhibit-P8 order issued by the 1st respondent - Land Revenue Commissioner, Thiruvananthapuram, to the District Collector, Ernakulam, respondent No.2, dated 19.10.2020, directing to stop all the quarrying activities conducted in the properties in Ayyampuzha Village, if the lands are assigned for agricultural purposes. Said writ petition is also the one referred by the learned single Judge vide order dated 15.02.2022.

40. W.P.(C) No.18523/2021 was filed by the petitioner challenging Exhibit-P4 stop memo issued by the Tahsildar, Aluva, dated 4.8.2021 directing to stop the quarrying activities conducted in the land assigned under the Kerala Government Land Assignment Act, 1960 and Rules, 1964. The contention raised by the petitioner therein is that they were granted mining lease as per the order of Director of Mining and Geology dated 4.4.2018 for a period of 5 years, which would expire only on 3.4.2023. The

said writ petition is also one referred by the learned single Judge as per the order dated 15.02.2022.

41. W.P.(C) No.25475/2021 is filed by one Mr. Shiji Thomas and another, seeking to quash Exhibit-P7 order passed by the Geologist, Mining and Geology Department, Ernakulam, respondent No.3 therein, dated 06.11.2021, rejecting the application submitted by them for quarrying permit, on the ground that quarrying is conducted in the property assigned for agricultural purpose.

42. W.P.(C) No.25917/2021 is filed by M/s. Poabs Granites Products Private Limited, a private limited company, which is in possession and ownership of about 50 Acres of land in Ayyampuzha village, Ernakulam district. Their grievance is that the District Collector, Ernakulam, respondent No.3, has sent a communication (Exhibit-P20) dated 30.07.2021 to the Tahsildar, Aluva, respondent No.4, directing to stop functioning of those quarries which are operating in the lands primarily assigned under the Kerala Land Assignment Rules, 1964; and consequent to which, the Village Officer concerned on the directions of the Tahsildar, Aluva, as per Exhibit-P21 letter dated 4.8.2021 directed the petitioner to produce the title documents pertaining to the properties, wherein quarrying was being carried out by the petitioner, before 3 p.m., on 5.8.2021, failing which, further action was threatened to be taken.

43. However, enquiry finally culminated in Exhibit-P36 proceedings of the Tahsildar, Aluva, respondent No.4, by which, the petitioner M/s. Poabs Granites was required to stop the quarrying activities carried out therein, as it was found that the property was primarily assigned for the purpose of cultivation and that the quarrying was conducted, in violation of the conditions of patta and the Rules, 1964. It is thus, challenging Exhibit-P20 direction issued by the District Collector, Ernakulam and Exhibit-P36 stop memo issued by the Tahsildar, Aluva, that the writ petition has been preferred. The petitioner has also sought for a declaration that quarrying operations can be conducted on the basis of a quarrying lease executed under the provisions of Kerala Minor Mineral Concession Rules, 2005, in the lands assigned under the Rules, 1964.

44. W.P.(C) No.29510/2021 is filed by a partner of M/s. Poomala Granites, seeking to quash Exhibit-P20 order dated 08.10.2021 issued by the 3rd respondent – Village Officer, Thrissur. By Exhibit-P20, the Village Officer, on verification of the records, found that the properties covered by Exhibit-P10 Non Assignment Certificate were primarily assigned in favour of the predecessors in interest of the property of the petitioner under the Rules, 1964, and that the said extent of land cannot be utilised for any other purpose, other than for which it was originally assigned; and accordingly, cancelled the certificate. Record of proceedings reveals that no

lease has been granted since Exhibit-P10 Non-assignment Certificate itself was cancelled by Exhibit-P20.

45. W.P.(C) No.30550/2021 is filed by one Mr. Joy G.P. and another, who are in possession and ownership of the lands situated in various survey numbers of Ayyampuzha village, Ernakulam district, assigned to the primary assignees under the Kerala Land Assignment Rules, 1964. Apparently, the petitioners have submitted application to the Village Officer concerned seeking to issue a Non Assignment Certificate pertaining to the property, as contemplated under Rule 27(2)(f) of the Kerala Minor Mineral Concession Rules, 2015, which was rejected by Exhibit-P3 letter dated 07.10.2021, stating that the properties were assigned under the Rules, 1964 to the predecessors in interest of the property of the petitioners, and consequently seeks issuance of a Non Assignment Certificate.

46. W.A. Nos.1434/2017, 477/2018, 478/2018, 480/2018, 663/2018, 712/2018, 713/2018, and 714/2018 respectively, are filed by the State and its officials against the common judgment of the learned single Judge in **Omana's** case (cited supra) (batch of writ petitions) by which, the stop memos issued by the Revenue officials were quashed, and upheld the quarrying lease granted under the provisions of Kerala Minor Mineral Concession Rules, 2015, in the lands assigned for agricultural purposes.

47. The basic contention advanced by the State Government in the

abovesaid appeals is that the learned single Judge was not right in quashing the stop memos since the Non Assignment Certificates were obtained by the writ petitioners suppressing the fact that assignments were made to the primary assignees for cultivation/agricultural operations, house sites etc., and therefore, by virtue of the powers conferred under the Kerala Land Assignment Rules, 1964 and the Special Rules, State officials are vested with powers to stop the quarrying activities and resume the land assigned for special and specific purposes.

48. W.A. No.1453/2019 is filed by M/s. Mahindra Holidays & Resorts India Limited, the writ petitioner, challenging the judgment of the learned single Judge dated 21.05.2019 in W.P.(C) No.36643/2007 {**Mahindra Holidays & Resorts India Limited v. State of Kerala** [2019 (2) KLT 978]}. The appellant, in the writ petition has challenged Exhibit-P12 order passed by the Sub Collector, Devikulam, dated 3.7.2007 cancelling the assignment as well as the registry of lands as per Order Nos.IA 25/64 and 48/64, assigned under the Kerala Land Assignment Rules, 1964 for cultivation, and Exhibit-P15 order passed by the Commissioner of Land Revenue, Thiruvananthapuram, dated 22.11.2007 in the appeal filed by M/s. Mahindra Holidays & Resorts India Limited.

49. W.A. Nos. 1397 and 1145 of 2020 are filed by the petitioners and the 12th respondent quarry operator respectively, in W.P.(C) No.24806/2019

challenging the judgment dated 6.8.2020, by which, the learned single

Judge has issued the following directions:

(i) The Government of Kerala, shall take up for consideration the question as to whether the 12th respondent should be permitted to conduct quarrying operations in land having an extent of 4.7065 hectares of land comprised in Sy Nos.1270/4, 5, 7, 8, 1271/2, 3,4, 1273/1, 2, 1272/1 of Kodassery Village in Chalakudy, Thrissur which was identified as a Reserve Forest in terms of the notification issued by the Cochin Government on 09-10-1909, as directed by this Court in the Judgment dated 06-02-2020 in W.P(c) 641/2020. In view of the findings on issues (i), (ii) and (iii) the Chief Secretary to the Government of Kerala shall ensure that reports from the Principal Secretary/Secretary to Government, Department of Revenue & the Principal Secretary / Secretary to Government, Department of Forests and Wild Life shall be obtained and placed before the Principal Secretary / Secretary to Government, Department of Industries in order to enable him to take a proper decision in the matter. The Principal Secretary / Secretary to Government, Department of Industries shall also take note of the observations of a Division Bench of this Court in **One Earth One Life v. Ministry of Environment and Forests** [2018 (3) KLT 683] and especially the findings in paragraphs 38, 44, 47 & 49 of that judgment and the observations/findings in this judgment, while passing orders, as directed in W.P (C) 641/2020. He shall also take into consideration the reports to be placed before him by the Department of Revenue and the Department of Forests and Wildlife, as directed above. Orders shall be passed as aforesaid within a period of one month from the date of receipt of a copy of this judgment. A copy of the order to be passed shall also be communicated to the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority. Unless and until orders are passed permitting the mining activity, the 12th respondent shall not conduct any mining operations pursuant to Ext.P3 and P8. However the 12th respondent will be permitted to use the material which was already mined and extracted and to operate its stone crusher unit using such materials;

(ii) The 2nd Respondent, namely the Director of Mining & Geology and the 6th Respondent, namely the Divisional Forest Officer, Chalakkudy shall ensure that restoration of the mined out areas and afforestation as directed in paragraph 15 of this judgment shall be commenced immediately and completed at the earliest and at any rate within the time permitted i.e. 31-12-2020;

(iii) The Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority shall take up the issue of Environmental Clearance granted to the 12th respondent, after receipt of a copy of the order from the Government of Kerala, as directed herein before and consider the strict measures to be imposed additionally in Ext.P3 clearance as observed by a Division Bench of this Court in paragraph 49 of the judgment in **One Earth One Life v. Ministry of Environment and Forests** [2018 (3) KLT 683]. The additional conditions shall include a condition regarding restoration and afforestation. This exercise shall be completed at the earliest and at any rate on or before 31-12-2020;

(iv) The 3rd respondent, namely the Kerala State Disaster Management Authority shall ensure that necessary action is taken on Ext.P13 and that necessary steps are taken to ensure that the accumulation of water/overburden does not result in any untoward incident as apprehended by the petitioners. The concerned officials of the Kerala State Disaster Management Authority or the District Disaster Management Authority, Thrissur District, shall forthwith cause inspection of the mining area of the 12th respondent which is subject matter of this writ petition and necessary instructions/directions shall be issued to the 12th respondent. The needful shall be done within a period of 2 weeks from the date of receipt of a copy of this judgment;

(v) The 12th respondent shall obtain fresh no objection certificates as required under the provisions of the Kerala Irrigation and Water Conservation Act, 2003 and produce the same before the the Additional 15th Respondent, namely the State Level Environment Impact Assessment Authority within one month from the date of receipt of a copy of this Judgment;

(vi) The 12th respondent will be permitted to operate the

quarry in question in strict compliance with the conditions in Ext.P3 till 31-12- 2020 if, the Government of Kerala permits mining activity upon the land in the decision to be taken in furtherance of the directions issued by this Court in W.P(C) No.641/2020 and in this judgment. The operations by the 12th respondent after 31-12-2020 will be subject to all the additional conditions and stipulations to be imposed by the Additional 15th respondent, as directed herein before.

50. W.A. No.8/2022 is an appeal filed by the Additional District Magistrate, Idukki; the District Collector, Idukki; and State of Kerala represented by the Secretary, Revenue Department, Thiruvananthapuram, who are respondents 2, 3 and 4 in W.P.(C) No.1026/2021, challenging the judgment of the learned single Judge dated 05.10.2021 passed in the said writ petition, by which, Exhibit-P13 order issued by the Additional District Magistrate, was quashed and directions were issued to reconsider the application submitted by the writ petitioner for issuance of a No Objection Certificate under Rule 144 of the Petroleum Rules, 2002, within a period of three weeks from the date of receipt of a copy of the said judgment.

51. The paramount contention advanced by the appellants is that the writ petitioner/respondent No.1, acquired title and ownership of the landed property situated in Survey No.20/1 of Chinnakkanal village, Idukki district, by virtue of Exhibit-P3 sale deed bearing No.1221/2018 of SRO Rajakumari dated 28.07.2018 from the assignee of the property granted under the provisions of Kerala Land Assignment Rules, 1964 and, therefore, the said

land can only be utilised for agricultural purpose or beneficial enjoyment, as per the provisions of the Rules, 1964. Since the basic question to be considered in the said writ appeal is also one and the same, we have heard the matter tagged along with other matters.

52. Heard Mr. Ranjith Thampan, learned Senior Counsel assisted by Mr. V. M. Krishnakumar; Mr. George Poonthottam, learned Senior Counsel assisted by Smt. Nisha George; Mr. P. K. Suresh Kumar, learned Senior Counsel; Mr. S. Sreekumar, learned Senior Counsel; Mr. Santhosh Mathew, Mr. N. James Koshy, Mr. Aswin Gopakumar, Mr. Enoch David Simon Joel, Mr. Prem Raj, who have advanced arguments in favour of the quarry operators; Mr. Gilbert George Correya, learned counsel for M/s. Mahindra Holidays & Resorts India Limited; Mr. G. S. Raghunath, Mr. Georgekutty Mathew, Mr. Jawahar Jose, learned counsel appearing for the writ petitioners/appellants, who have addressed arguments against the quarry operators, and supporting the State and its officials, in issuing stop memos; Mr. K. Gopalakrishna Kurup, learned Advocate General, assisted by Mr. M.H. Hanil Kumar, learned Special Government Pleader (Revenue), Mr. S. Renjith, learned Special Government Pleader to AAG, Mr. S. Kannan, learned Senior Government Pleader with AG; Adv. Mr. Philip J. Vettikkat, appearing for contesting respondent/quarry operators; other learned counsel, and perused the material on record.

53. Referring to clause (15) of Exhibit-P1 Patta in W.P.(C) No.30550 of 2021 dated 8.8.1978, which specifies that the existing and customary right of the Government and the public, in roads and paths and rivers, streams and channels, running through or bounding the land, and the right of Government to share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant, Mr. Santhosh Mathew, learned counsel for the writ petitioners, submitted that since the petitioners therein wanted to start a quarry, applied for lease, and as per Rule 27 of the Kerala Minor Mineral Concession Rules, 2015 documents to be submitted along with the application for lease is mentioned which are produced by the petitioners.

54. Referring to Rule 27 of the Rules, 2015, learned counsel for the writ petitioners further submitted that the petitioners therein have submitted an application for grant of renewal of a quarrying lease to the competent authority in Form B, and produced a certificate, as contemplated in clause (f) of sub-rule (2) therein, from the Village Officer concerned, to the effect that the land applied for quarrying lease is not assigned for any special purpose by the Department of Land Revenue.

55. He further submitted that when such a request was made by the petitioners, as per Exhibit-P2 dated 02.10.2021, a reply [Exhibit-P3] dated 07.10.2021 was given by the 2nd respondent - Village Officer, stating that

on examining the village records, since it is found that the land included in the survey numbers mentioned therein were assigned for the purpose of cultivation as per Land Assignment Rules, 1964, there is no provision to issue such a certificate. This is challenged in the writ petition.

56. Assailing the impugned reference order, Mr. Santhosh Mathew submitted that the right to legislate on minerals, is conferred on the Parliament, by Entry 54 of List I, Schedule VII – regulation of mines and minerals development to the extent to which such regulation, and development under the control of the Union is declared by Parliament by law to be expedient in the public interest; and therefore, the State Government have no manner of power to legislate in the subject.

57. He further submitted that by virtue of the powers conferred under Entry 54 of List I, the Central Government have enacted the Mines and Minerals (Development and Regulation) Act, 1957. Referring to Section 2 of the Act, 1957, which speaks about declaration as to the expediency of Union control, he submitted that it is declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and the development of minerals to the extent provided thereunder.

58. Further, Mr. Santhosh Mathew has invited our attention to the two definitions of Act, 1957, viz., Section 3(c), which defines “mining lease”, to mean a lease granted for the purpose of undertaking mining operations,

and includes a sub-lease granted for such purpose; and Section 3(e), which defines "minor minerals" to mean, building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral.

59. Learned counsel for the writ petitioners has also referred to Section 15 of the Mines and Minerals Act, 1957 dealing with the power of the State Government to make rules in respect of minor minerals. He has taken us through Section 14, which states that Sections 5 to 13 do not apply to minor minerals. He submitted that the provisions of Sections 5 to 13 shall not apply to quarry leases, mining lease or other mineral concessions in respect of minor minerals. Referring to Section 15, the learned counsel further submitted that the said provision empowers the State Government to make rules by notification in the Official Gazette for regulating the grant of quarry lease, mining lease or other mineral concessions, in respect of minor minerals and for purposes connected therewith. He also submitted that invoking these powers, the Kerala Minor Mineral Concession Rules, 2015 have been promulgated by the State Government.

60. At this juncture, learned counsel for the writ petitioners has referred to the argument note provided at the time of hearing, wherein a

reference is made to a judgment of the Hon'ble Supreme Court, dealing with mining lease, and submitted that even though the word used is "lease", it does not come within the definition of lease under the Transfer of Property Act and this has been clarified therein.

61. Learned counsel has relied on the decision in the **State of Meghalaya and Ors. v. All Dimasa Students Union, Dima-Hasao District Committee and Ors** [(2019) 8 SCC 178]. Referring to paragraph 52.3, Mr. Santhosh Mathew submitted that important points raised for consideration in the decision cited supra are,- whether for mining the minerals from privately owned/community owned land in hills districts of Meghalaya, obtaining a mining lease is a statutory requirement under the MMDR Act, 1957 and the Mineral Concession Rules, 1960; and whether under the MMDR Act, 1957 and Mineral Concession Rules, 1960, it is the State Government, who is to grant lease for mining of minerals in privately owned/community owned land or it is the owner of the minerals, who is to grant lease for carrying out mining operations. Thereafter, he has invited our attention to Point No.3, paragraph 93, which states that we need to scan through the statutory scheme of Act, 1957 to find out as to whether Parliamentary legislation requires obtaining lease for winning the minerals in so far as mining of coal from privately owned land/community owned land are concerned; and paragraph 94, which states that Section 2 of the Act,

1957 contains declaration to the following effect:-

"2. Declaration as to expediency of Union Control.-- It is hereby declared that it is expedient in the public interest that the Union should take under its control the Regulation of mines and the development of minerals to the extent hereinafter provided."

62. Thereafter, learned counsel has invited our attention to the following paragraphs in **State of Meghalaya and Ors.** (cited supra):

"95. The Act, 1957 has been enacted in reference to Entry 54 List I of Seventh Schedule to the following effect:

"Entry 54. Regulation of mines and mineral development to the extent to which such Regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest."

96. At this juncture, we may notice Entry 23 of List II which is to the following effect:

"Entry 23. Regulation of mines and mineral development subject to the provisions of List I with respect to Regulation and development under the control of the Union."

97. The Legislative power under Entry 23 is subject to the provision of List I with respect to Regulation and development under the control of the Union. When the Union has declared to have taken under its control the Regulation of mines and development of minerals to the extent provided in the Act. Legislative power of the State to the above extent is denuded. Learned Counsel for the Appellant have also very fairly not disputed the position in law.

98. Section 3 of the Act contains definition clause. Section 3(c) defines mining lease and Section 3(d) defines a mining

operation which are to the following effect:

"Section 3(c) "mining lease" means a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose;

Section 3(d) "mining operations" means any operations undertaken for the purpose of winning any mineral;

99. Section 4 of the Act contains general restriction on undertaking prospecting and mining operation. Section 4 is couched in terms of an injunction. No person shall undertake any mining operations in any area, except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting licence or, as the case may be, of a mining lease, granted under this Act and Rules made thereunder. Sub-section (1) of Section 4 is relevant in the present case which is as follows:

"4. Prospecting or mining operations to be under licence or lease.-- (1) No person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting licence or, as the case may be, of a mining lease, granted under this Act and the Rules made thereunder:

Provided that nothing in this Sub-section shall affect any prospecting or mining operations undertaken in any area in accordance with terms and conditions of a prospecting licence or mining lease granted before the commencement of this Act which is in force at such commencement:

Provided further that nothing in this Sub-section shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, the Atomic Minerals Directorate for Exploration and Research of the Department of Atomic Energy of the Central Government, the Directorates of Mining and

Geology of any State Government (by whatever name called), and the Mineral Exploration Corporation Limited., a Government company within the meaning of Clause (45) of Section 2 of the Companies Act, 2013 (18 of 2013), and any such entity that may be notified for this purpose by the Central Government]:

Provided also that nothing in this sub-section shall apply to any mining lease (whether called mining lease mining concession or by any other name) in force immediately before the commencement of this Act in the Union territory of Goa, Daman and Diu.”

100. The use of word no person in Section 4(1) is without an exception. There is nothing in Section 4(1) to indicate that restriction contained in Section 4(1) does not apply with regard to a person who is owner of the mine. Further, word 'any area' Under Section 4(1) also has significance which does not have any exception. Further phrases 'except under and in accordance with terms and conditions with a mining lease granted under the Act' are also significant which make the intent and purpose of prohibition clear and loud. Section 5 contains restriction on the grant of prospecting licenses and mining lease in the following words:

“5. Restrictions on the grant of prospecting licenses or mining leases.-- (1) A State Government shall not grant a reconnaissance permit, prospecting licence or mining lease to any person unless such person--

(a) is an Indian national, or company as defined in 1 Clause (20) of Section 2 of the Companies Act, 2013 (18 of 2013)]; and

(b) satisfies such conditions as may be prescribed:

Provided that in respect of any mineral specified in Part A and Part B of the First Schedule, no reconnaissance permit, prospecting licence or mining lease shall be granted except with the previous approval of the Central Government.

Explanation.-- For the purposes of this subsection, a person shall be deemed to be an Indian national,--

(a) in the case of a firm or other association of individuals, only if all the members of the firm or members of the association are citizens of India; and

(b) in the case of an individual, only if he is a citizen of India.

(2) No mining lease shall be granted by the State Government unless it is satisfied that--

(a) there is evidence to show the existence of mineral contents in the area for which the application for a mining lease has been made in accordance with such parameters as may be prescribed for this purpose by the Central Government;

(b) there is a mining plan duly approved by the Central Government, or by the State Government, in respect of such category of mines as may be specified by the Central Government, for the development of mineral deposits in the area concerned:

Provided that a mining lease may be granted upon the filing of a mining plan in accordance with a system established by the State Government for preparation, certification, and monitoring of such plan, with the approval of the Central Government."

101. The proviso to Section 5(1) is relevant since it contains a further restriction that no mining lease shall be granted with regard to any minerals specified in Para A of First Schedule except with the previous approval of the Central Government. We in the present case are concerned with coal which is in Para A of First Schedule.

102. The next provision which is relevant is Section 13 which provides for Rule making power of the Central Government in respect of minerals. Section 13 subsection (1)

and Section 13 Sub-section (2) in so far as relevant in the present case are as follows:

"13. Power of Central Government to make Rules in respect of minerals.--

(1) The Central Government may, by notification in the Official Gazette, make Rules for regulating the grant of reconnaissance permits, prospecting licenses and mining leases in respect of minerals and for purposes connected therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the following matters, namely:

(a) the person by whom, and the manner in which, applications for reconnaissance permits, prospecting licenses or mining leases in respect of land in which the minerals vest in the Government may be made and the fees to be paid therefor;

(f) the procedure for obtaining [a reconnaissance permit, a prospecting licence or a mining lease] in respect of any land in which the minerals vest in a person other than the Government and the terms on which, and the conditions subject to which, such [a permit, licence or lease may be granted or renewed;

103. When we read Clause (a) and Clause (f), it makes clear that the Rules can be made for grant of mining lease in respect of land in which minerals vest in the Government as well as in respect of any land in which minerals vest in person other than Government. The statutory scheme, thus, is clear that lease can be granted with regard to both the categories of land, land in which the Government is owner of minerals and land in which minerals vest in person other than Government. The Tribals, owners of the minerals shall expressly fall in Rule making power of the Government Under Section 13(f).

104. The Central Government in exercise of power Under Section 13 has framed Rules, namely, Minerals (Concession)

Rules, 1960. Chapter IV of the Rules contains a heading "Grant of Mining Lease in respect of land the Minerals vest in the Government". Rules 22 to 40 contain various provisions under Chapter IV. Chapter V has a separate heading which is "**Procedure for obtaining a prospecting licence or mining lease in respect of land in which the minerals vest in a person other than the Government**". Thus, Chapter V contains provisions for grant of lease in respect of minerals which vest in the person other than the Government. Rules 41 and 42 which are relevant are quoted below:

"41. Applicability of this chapter: The provisions of this chapter shall apply only to the grant of prospecting licenses and mining leases in respect of land in which the minerals vest exclusively in a person other than the Government.

42. Restrictions on the grant of prospecting licence and mining lease: (1) No prospecting licence or mining lease shall be granted to any person unless he has filed an affidavit stating that he has-

(i) filed up-to-date income tax returns;

(ii) paid the income tax assessed on him, and

(iii) paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961 (43 of 1961).

(2) Except with the previous approval of the Central Government, no prospecting licence or mining lease shall be granted in respect of any mineral specified in the First Schedule to the Act.

105. The statutory scheme delineated by Section 13(2)(f) and the Minerals (Concession) Rules, 1960 clearly contemplate grant of mining lease, with regard to both the categories of land, that is, land in which minerals vest in the Government, and the land in which minerals vest in a person other than the

Government. In statutory provisions there is no kind of exception as contended by the learned Counsel of the Appellant that when the owner himself wants to win the minerals he does not require any mining lease. The submission is contrary to the express statutory scheme, in the event submission of Appellant is accepted that with regard to minerals which vest in a private person no mining lease is required, the whole object of the Union by which it declared to have taken under its control Regulation of mines and development of minerals shall be frustrated."

63. That apart, learned counsel for the petitioners submitted that in the decision cited supra, after recording the submission of both sides, the distinction between a mining lease and property lease is mentioned by the Hon'ble Apex Court, as hereunder:

"107. Halsbury's Laws of England, Fourth Edition Para 321 defines nature of mining lease in the following manner:

"321. Nature of mining lease.- A lease may be granted of land or any part of land, and since minerals are a part of the land it follows that a lease can be granted of the surface of the land and the minerals below, or of the surface alone, or of the minerals alone. It has been said that a contract for the working and getting of minerals, although for convenience called a mining lease, is not in reality a lease at all in the sense in which one speaks of an agricultural lease, and that such a contract, properly considered, is really a sale of a portion of the land at a price payable by installments, that is, by way of rent or royalty, spread over a number of years."

64. Learned counsel has also invited our attention to paragraph (108), which is reproduced hereunder:

"108. This Court had occasion to consider the concept of mining lease under Act, 1957 in **Sri Tarkeshwar Sio Thakur Jiu v. Dar Dass Dey & Co. and Ors.**, (1979) 3 SCC 106, this Court held that term lease occurring in Section 3(C) of Act 67 of 1957 does not appear to have been used in the narrow technical sense in which it is defined in Section 105 of the Transfer of Property Act, but it has all the characteristics of a lease as defined in the Transfer of Property Act. In paragraph 31 following was laid down:

"31. It is important to bear in mind that the term "lease" occurring in the definition of "mining lease" given in Section 3(c) of Act 67 of 1957 does not appear to have been used in the narrow technical sense in which it is defined in Section 105 of the Transfer of Property Act. But, as rightly pointed out by a Bench of the Calcutta High Court in **Fala Krishna Pal v. Jagannath Marwari**, a settlement of the character of a mining lease is everywhere in India regarded as "lease". A mining lease, therefore, may be meticulously and strictly satisfy in all cases, all the characteristics of a "lease" as defined in the Transfer of Property Act. Nevertheless, in the legal accepted sense, it has always been regarded as a lease in this country."

65. Thereafter, Mr. Santhosh Mathew has invited our attention to paragraphs 110 & 111 of the decision extracted above and submitted that this Court may bear in mind the context of the concept of mining lease as a permission granted for winning minerals.

66. Learned counsel has further referred to paragraphs 128 & 130 of the decision cited supra, which reads as under:

"128. Thus, the Chapter V of Rules, 1949 dealt with the mining lease granted by private persons, i.e., the category

where the minerals were not owned by the Government but were owned by private persons. Chapter V of the Rules, 1960 contains substantially similar provisions. Thus, Chapter V of Rules, 1960 has to be treated to be dealing with minerals owned by private owners. The earlier statutory regime, which was enforced as per Rules, 1949 made it amply clear that mineral concessions are to be granted by private persons also, which is in substances retained in Chapter V of Rules, 1960. Thus, mining lease to be granted as per Chapter V of Rules, 1960 is mining lease by the owner of mineral and similar concept has to be borrowed and read in Chapter V as noted above. Absence of any procedure to make an application for mining lease to the State Government in Chapter V of the Rules, 1960 and lessor being the private persons and not the State Government, clearly indicates that State Government is not to grant the lease in respect of land of privately owned/community owned owners.

130. We, thus, conclude that as per the statutory provisions contained in Rules, 1960 especially Chapter V, a mining lease for minerals, which belongs to a private owner or a community owner, it is not the State Government, which is entitled to receive any application or grant any mining lease, but it is the private owner or community owner, who is entitled to grant a lease for mining minerals owned by them. Issue No. 4 is answered accordingly."

67. Relying on the above decision, Mr. Santhosh Mathew, learned counsel for the writ petitioners, submitted that this is a case where minerals are owned by private persons and this is only regarding grant of lease for the purpose of winning. According to him, Section 4 of Act, 1957 says no extraction is possible without a mining lease. Learned counsel has referred to Section 3 of the Kerala Government Land Assignment Act, 1960 and submitted that going by the said provision, it is clear that Government land may be assigned by the Government or by any prescribed authority either

absolutely or subject to such restrictions, limitations and conditions as may be prescribed.

68. Referring to Rule 1A of the Kerala Land Assignment Rules, 1964, learned counsel further submitted that nothing contained in the rules shall apply to or affect: clause (2) - assignment of Government lands made for the specific purpose of cultivating Tea, Coffee, Rubber, Cinchona and Cardamom. Why he has invited the attention of this Court to the said provision is, to exemplify that the Rule 27(2)(f) of the Rules, 2015 dealing with a certificate from the competent authority is to the effect that land applied for quarrying lease is not assigned for any "specific purpose". But fact remains, the word used in the Rules, 2015 is "Special" and not the word "Specific" employed in Rule 1A of the Land Assignment Rules, 1964. Referring to Section 3 of the Kerala Government Land Assignment Act, 1960 specifying assignment of Government lands, and Rule 27(2)(f) of the rules, Mr. Santhosh Mathew submitted that the Village Officer only verifies the patta and certifies that it is under a particular provision or not, and it is not the final verdict. He also submitted that based on the above provision, complete application of the petitioners is forwarded to the Government for considering the application for lease.

69. Referring to clause (15) of Appendix No. II, Patta issued under Rules, 1964, learned counsel Mr. Santhosh Mathew submitted that these are

all pattas issued under Rule 9(2), which states that the existing and customary right of the Government and the public in roads and paths, and rivers, streams and channels, running through or bounding the land, and the right of the Government to a share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant and accordingly, submitted that the Government is vested with powers to grant lease for quarrying.

70. He further referred to the Appendix-II under the Cardamom Rules for Cardamom Cultivation and submitted that therein, the condition viz., clause (22), states that the existing and customary rights of the Government and the public in roads, paths, rivers, streams and channels running through or bounding the land and the right of the Government to water power, mines, minerals and quarries, subjacent to the land are, however, reserved and are in no way affected by the lease. Here, the word "a share" is missing. Hence, he submitted that the earlier one, viz., clause (13) state that "a share" and there is no such qualification and the entire right is reserved under this particular clause by the Government.

71. In this connection, the learned counsel submitted that the Hon'ble Supreme Court had an occasion to consider what is the meaning of "a share of the land" in **Thressiamma Jacob and Ors. v. Geologist, Department of Mining and Geology and Ors.** reported in (2013) 9 SCC 725. The

issue involved in the said decision was regarding the rights over minerals in the Malabar area in Kerala.

72. Here, learned counsel submitted that as far as Travancore and Cochin area is concerned, unlike the Madras area, subsoil rights vested in the State Government. Hence, that particular unbridled right is not there. It is further submitted that by this particular qualification in clause (13) in the Patta, where Government has reserved a share, another share is given to the assignee also, and therefore, the full rights over the minerals are not reserved by the Government, by virtue of the document. Hence, it is submitted that the interpretation of a share, which is being called upon to be interpreted as far as this particular issue is concerned. Learned counsel further submitted that; what is the share is the right of the Government because they will start getting any revenue only if the petitioners mine the minerals. Sum and substance of the contention advanced by the learned counsel is that it is only on winning the minerals, revenue is generated and the share has to be given to the State Government by way of whatever nomenclature it is reserved.

73. With this in mind, learned counsel submitted that the learned single Judge, who has referred this matter, had occasion to consider this issue and relied on the decision in **Manu Anand v. State of Kerala, Represented by the Chief Secretary and others** reported in (2016)

SCC Online (Kerala) 26133. In the said decision, on the aspect as to whether Government lands assigned under the provisions of the Land Assignment Act and Rules can be utilised for other purposes, Mr. Santhosh Mathew has invited our attention to paragraph (2).

74. According to the learned counsel, as per the decisions referred to above, as far as minerals are concerned, it is covered by the Mines Act and the Minor Mineral Concession Rules, 2015; that how minerals should be assigned also is covered by the Minor Mineral Concession Rules; and that there is no provision in the Land Assignment Act, which deals with assigning minerals. Therefore, it is submitted that merely because one is assigned a land, he is not qualified for retaining a share of the minerals. He has also relied on the decision of the Hon'ble High Court of Karnataka in **State of Karnataka v. Dundamada Shetty** [I.L.R. 1993 KAR 2605].

75. In this connection, learned counsel has taken us through the amended provision of Kerala Minor Mineral Concession Rules, 2015 viz., Chapter VIII - Grant of quarrying lease in respect of lands in which the mineral right vests partly in Government and partly in private persons. He also referred to Rule 88 in Chapter VIII which states that Chapter V to apply to quarrying leases in respect of mineral right which vests partly in Government and partly in private persons.

76. Learned counsel has also relied on the decision of this Court in

V.K. Velu v. Anil Kumar reported in **2017 SCC Online Ker. 3277**, to contend that there is misrepresentation on the part of the applicant while getting the lease. He further submitted that Rule 27(f) gathers significance, because the petitioners are required to produce a certificate from the Tahsildar clearly categorizing and clarifying what is the nature of assignment and they say whether it is for specific purpose or not. He also submitted that it is not a self declaration on the part of the petitioners. According to the learned counsel, this is a certificate to be obtained and the petitioners are required to produce the certificate and based on the same, the competent authority in the State Government considers the application and grants the petitioner lease. In the said backdrop, he has invited our attention to paragraph 32 of the decision in **V.K. Velu** (cited supra), which is extracted hereunder:

"32. If one views the assignment as solely for the purposes of rubber cultivation, perhaps it could be contended that the use of the assigned land for any other purpose, including quarrying activities, would entail a cancellation of the Registry. One cannot, however, ignore clause 13 of the order of assignment that expressly reserves to the Government its existing and customary rights, including its rights in mines and quarries subjacent to the land. In my view, this express reservation, by the Government, of its rights in mines and quarries, enables the Government to grant leases and permits for exploitation of minerals subjacent to the land, the ownership of which vests with the Government. Through the grant of quarrying leases, therefore, the Government must be seen as exercising its sovereign rights over the minerals subjacent to the assigned land, a right that it had reserved to itself while assigning the land in question. It is also relevant

to note that the quarrying leases in the instant cases were all signed for and on behalf of the Governor of the State and are, therefore, Government Contracts that satisfy the requirements of Article 299 of the Constitution of India. In the decision of this court in W.P.(C). No. 9605/2008, the learned single judge did not have to consider the effect, of the grant of a quarrying lease, on the assignment of land. The said case involved the grant of a quarrying permit by the Geologist, based on a possession certificate issued by the Village Officer, and the court found that the mere obtaining of a quarrying permit did not imply that a permission had been obtained from the Government to undertake quarrying activities by ignoring the specific conditions of assignment. In my view the facts in the instant cases are clearly distinguishable and further, in view of the Government having exercised its executive power while granting the quarrying leases, the quarrying activities cannot be seen as violative of the conditions governing the assignment of the lands in question. For the same reasons, I also do not find merit in the contention advanced on behalf of the State Government that the quarrying leases obtained by the leaseholders are liable to be cancelled on the ground that they were obtained without a proper disclosure of the nature of the lands in respect of which the leases were applied for and obtained, and the restrictive covenants that applied to the said land. The Government having exercised its executive power while granting quarrying leases, pursuant to an express reservation of the power at the time of assignment of the lands, cannot be heard to say that it was not aware of the basic purpose for which the lands were assigned. Thus, I answer issues (ii) and (iii) in the negative and in favour of the quarrying leaseholders."

77. Learned counsel for the writ petitioners further submitted that the learned single Judge, who referred the matter vide the impugned reference order, has considered the issue of Rule 24 of the Rules, 1964 and observed that the Government had a right, but there should be a specific application of mind. In this context, he has referred to the operative portion of the decision in **Manu Anand v. State of Kerala** reported in **2016 SCC**

Online Ker. 26133, wherein, at paragraph (9), this Court held that therefore, going by Rule 24, it is possible for the Government to assign the right to take minerals or subsoil rights or to relax conditions in the patta in public interest. The subsoil minerals vested with the Government certainly can be assigned by the Government in public interest. Learned counsel submitted that in the said decision cited supra, the learned Single Judge was considering the impact of Land Assignment Rules and the power of the Government to assign or grant exemption under Rule 24.

78. Mr. Santhosh Mathew finally invited our attention to the paragraph (8) of the reference order dated 12.07.2019 and submitted that in **Haridas R. v. State of Kerala and Others** [2016 (5) KHC 615], a learned single Judge of this Court had taken the view that when land is assigned for specific purposes, the assignee of the patta land cannot use the land for commercial activities. It was further observed therein that essence is in the assignment made for a specific purpose which survives time and tide. In the said order, it was further observed that there cannot be any dispute to the fact that there would remain no topsoil right, the moment the subjacent rights in the land are parted with; that where there are two different enactments, the objections and purposes of which are different, the action taken under one enactment cannot supersede the object of the other; and that, under the Kerala Land Assignment Act, the

Government holds the land to be assigned as a public trustee in larger public interest.

79. Learned counsel further submitted that the scheme of KMMC Rules, 2015, contemplates granting of a lease in respect of minerals vested in the State Government, and in the patta, Government has reserved a share. Therefore, it is submitted that, it presupposes an eventuality that, while commercially exploiting, the assignee has to give a share to the State Government and by incorporating Rule 32, royalty is also prescribed.

80. The sub and substance of the contentions advanced by Mr. Santhosh Mathew, learned counsel for the writ petitioners, is that by virtue of the powers conferred on the Government under the Kerala Minor Mineral Concession Rules, 2015, the writ petitioners have absolute proprietary rights over the subsoil mines and quarries.

81. Mr. Ranjith Thampan, learned Senior Counsel appearing for the petitioners in one of the writ petitions, submitted that in fact, quarrying lease was granted by the State Government to the petitioner M/s. Udaya Rock Products in W.P.(C) No.18523/2021, and therefore, the restrictions contained in Rule 8 of the Kerala Land Assignment Rules, 1964, will not be applicable. He further submitted that even if it is found that Rule 8 of the said rules is applicable, the quarrying activity permitted under the quarrying lease granted under the Kerala Minor Mineral Concession Rules, 2015,

framed under the Central Act viz., Mines and Minerals (Development and Regulation) Act, 1957 cannot be directed to be stopped by the Tahsildar acting under the Kerala Land Assignment Rules.

82. He further submitted that if the Tahsildar finds that the quarrying lease granted is in violation of any law, he cannot issue stop memo, especially when the quarrying lease can be cancelled only by the authorities under the Mines and Minerals (Development and Regulation) Act, 1957, after finding that the lease was granted in contravention of any provisions of law, and especially where, such power is specifically conferred under Rule 50 of the Rules, 2015.

83. He also submitted that the Tahsildar cannot issue an *ex parte* stop memo without a show cause notice, even when Rule 50 of the KMMC Rules, 2015 itself provides that stop memo can be issued only after issuing show cause notice. It is also his contention that since the quarrying operations are conducted in the lands assigned under the Kerala Land Assignment Rules, 1964, the contention of the Government that the Tahsildar is vested with the powers to stop the quarrying operations under the provisions of the Rules, 1964 cannot stand scrutiny of law.

84. According to Mr. Ranjith Thampan, as per Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957, no person can conduct any mining operation, without a mining lease granted under the

said Act and rules framed thereunder. He also submitted that by virtue of the powers conferred under Section 15 of the Act, 1957, State of Kerala has framed rules for regulating grant of mining lease in respect of minor mineral. Thus, in view of the Central Act, no person can conduct quarrying operations without a quarrying lease or permit issued by the State Government under the Rules, 2015, and it is on the basis of Rule 15, that quarrying lease and other licenses are issued and the State Government being the owner of the minor minerals subjacent to the land has framed rules for conducting quarrying operations for minor mineral. Therefore, it is submitted that any person, who is interested in conducting any quarrying operation, as regards the minor mineral is concerned, has to apply with the Government under the aforesaid rules and obtain necessary licence/permits. If a person is not the owner of the surface land, the said person can obtain a quarrying lease, if he follows the procedure prescribed under the KMMC Rules, 2015.

85. The sum and substance of the contentions raised by Mr. Ranjith Thampan is that once the quarrying activity is permitted by the State Government and quarrying lease is executed in the statutory format, it is deemed that the Government have exercised its statutory powers under Article 299 of the Constitution of India and the statutory powers delegated under the Act, 1957. Therefore, the learned counsel contended that the

Tahsildar is not vested with the powers to issue a stop memo.

86. He also submitted that the entire minerals subjacent to the lands in the erstwhile Cochin and Travancore area of State of Kerala is vested with the State Government, and therefore, the Government is vested with ample powers to entertain an application for conducting quarrying activities; and irrespective of assignment of land under the Rules, 1964, Government are vested with powers to grant the quarrying lease.

87. That apart, it is contended that as per Rule 8 of the Rules, 1964, the lands granted on registry shall be heritable and alienable. Referring to Rule 8(3), it is submitted that registry shall be liable to be cancelled for contravention of sub-rule (2) of Rule 8(2) and that proviso to sub rule provides that the assignment cannot be cancelled, without giving the party or parties affected thereby a reasonable opportunity of being heard. Apart from the above, other contentions are also raised relying upon the provisions of Kerala Minor Mineral Concession Rules, 2015, which will be dealt with at an appropriate stage.

88. Relying on the provisions of Minor Mineral Development and Regulation Act, 1957, it is submitted by the learned counsel appearing for quarry operators that irrespective of assignment granted as per the Kerala Government Land Assignment Act, 1960, and the Rules, 1964, the State Government is vested with powers under the KMMC Rules, 2015, to grant

quarrying lease. That apart, he also contended that as per the provisions of the Act, 1960 and rules framed thereunder, lands are assigned for specific purpose only when it is assigned for cultivating tea, coffee, rubber, cardamom etc. However, the lands belonging to the writ petitioners were assigned under the general rules of assignment i.e. Kerala Land Assignment Rules, 1964 and therefore it is an absolute assignment without any restrictions.

89. Mr. Aswin Gopakumar, learned counsel appearing for one of the quarry operators, submitted that the land in question was purchased for valuable consideration, in the year 2011, from the successor in interest of the original assignee, who was granted patta and was carrying on quarrying operations in the land in question, on the strength of a quarrying permit and necessary licence/permits granted by several statutory authorities. He has also adopted the arguments advanced by the learned counsel appearing for other quarry operators as regards the Act, 1957, KMMC Rules, 2015 and Kerala Government Land Assignment Act, 1960 and Rules, 1964.

90. Mr. George Poonthottam, learned Senior Counsel, has advanced arguments basically relying on the provisions of Kerala Government Land Assignment Act, 1960 and the rules framed thereunder. According to the learned Senior Counsel, once assignment is granted after effecting the payment, then, there can be no restrictions with respect to the utilisation of

the land, especially due to the fact that as per Rule 8 of the Rules, 1964, the assigned land becomes heritable and alienable.

91. That apart, the learned Senior Counsel has submitted that Rules 1964 did not provide any limitation or restriction rather than the conditions in Rule 8 which did not work as a restriction that the assigned land cannot be used for any purpose other than the one in Rule 4. He also submitted that going through Section 2(2)(c) r/w. 3(1) of the Kerala Government Land Assignment Act, 1960, it could be seen that Rule 4 of the Rules, 1964 does not prohibit the use of the land for any purpose after the assignment. Learned counsel has also submitted that when price is received by the Government for assignment, it becomes a sale making the transfer absolute, consequent to which, no manner of restriction can be imposed by the State in utilizing the land by the original assignee or successor to the said property in whatever manner and at his option however subject to the prevailing laws in vogue for the purpose.

92. Referring to Section 11 of the Transfer of Property Act, 1882, learned Senior Counsel has submitted that when the title is by assignment on registry, the restriction contained therein would be void and further that such conditions are repugnant to the provisions of the said Act, and therefore, the provisions of Act, 1960 and Rules, 1964 cannot curtail or restrict the rights enjoyed by the owners of the properties, irrespective of

the assignment granted under the Act and rules thereto.

93. Mr. P. K. Suresh Kumar and Mr. S. Sreekumar, learned Senior Counsel, and Mr. James Koshy, learned counsel appearing for the quarry operators also advanced arguments relying upon the provisions in the enactments referred to above and also various judgments of the Hon'ble Supreme Court, as well as this Court.

94. Mr. Enoch David Simon Joel, learned counsel for the petitioner in W.P.(C) No. 8913/2019, submitted that the State while assigning lands under the Act, 1960 and Rules, 1964 is only assigning topsoil or surface rights and it cannot, in any way, extend to the subsoil rights over mines and minerals below the soil. According to him, assignment can only govern the activities on the top soil and that no activity other than what is permitted by the Order of Assignment, can be conducted in the topsoil.

95. He further submitted that the fact that assignment does not confer or regulate subsoil rights, is clarified or reiterated in the Order of Assignment itself. According to him, every Order of Assignment contains an express clause that the assignment does not in any manner affect the right of the Government in mines and minerals subjacent to the land. While granting the assignment, Government has expressly reserved to itself the rights over mines and minerals, adjacent to the land and the reservation is based on the 1881 proclamation, which vests all minerals in the State. It is

the said reserved right that the State assigns to a third party, by executing a quarrying lease, which is a contract governed by Article 299 of the constitution of India.

96. Learned counsel also contended that the argument that topsoil is to be protected as a resource by the State is based on misconception. Now the State, by notification, identified certain lands as agricultural lands. This is different from assigning land through a patta to a person to allow them to use the land for agriculture. The State, while granting a quarrying lease, leases the right reserved to itself, so as to extract minerals. The minerals so extracted are utilised for public purpose alone, which is in tune with Section 2 of the Act, 1957.

97. Referring to the Act, 1960 and Rules, 1964, Mr. Georgekutty Mathew, learned counsel for the appellant in W.A. No.1397/2020, submitted that the said Act and rules do not permit quarrying in assigned lands. As per Rule 4, the assignee is bound to cultivate the assigned land and to reside therein. The land cannot be used for cultivation and residence, if there is a quarry. Therefore, he contended that quarrying cannot be done in the assigned lands, even though there is mining lease. He also referred to sub-rule (2) of Rule 11, which stipulates to make a list of the lands which are not assignable and liable to be reserved for Government purposes.

98. Mr. K. Gopalakrishna Kurup, learned Advocate General, on the

contrary, has submitted that the Kerala Government Land Assignment Act, 1960 has been promulgated by the State of Kerala with the assent of the President of India, received on 24.11.1960, in order to provide an Act for the assignment of Government lands. He further submitted that by virtue of Section 3 of the Act, 1960, Government land may be assigned by the Government or by any prescribed authority either absolutely or subject to such restrictions, limitations and conditions, as may be prescribed.

99. That apart, referring to other provisions of the Act, 1960 and Rules, 1964, learned Advocate General submitted that there are clear cut procedure is prescribed under the Act and rules, to assign land, which is restricted to agricultural purposes, construction of residential building, and for beneficial enjoyment of adjoining registered holdings, which cannot be watered down in any manner. It is also the contention of the learned Advocate General that certificates were obtained from the Village Officers that the land is not assigned for any special purpose by suppressing true and material facts.

100. Learned Advocate General further contended that the provisions of KMMC Rules, 2015 makes it clear that the certificate from the Village Officer concerned should be to the effect that the land applied for quarrying lease is not assigned for any special purpose by the Department of Land Revenue. However, it is clear from the contention advanced by the learned

counsel for the quarry operators that the writ petitioners are purchasers of the assigned lands from the original assignees to whom the lands were assigned for special purposes/cultivation/agricultural purposes. Therefore, the certificates issued by the Village Officers for lands assigned for any special purposes cannot be sustained in law.

101. Learned Advocate General further contended that a learned single Judge of this Court, by judgment dated 13.08.2019 in W.P.(C) No.9605/20089, held that when land was assigned for rubber cultivation under the Special Rules for Assignment of Government Land for Rubber Cultivation, 1960, no quarrying operations can be permitted in the absence of relaxation of patta conditions by the Government.

102. Learned Advocate General further contended that. The judgment of the learned single Judge of this Court in W.P.(C) No. 9605/2008 dated 13.08.2009 was upheld by a Hon'ble Division Bench of this Court in W.A. No.1908/2009 as per judgment dated 25.08.2009, which was upheld by the Hon'ble Supreme Court, by dismissing a special leave petition, providing a rider enabling the Government to consider any application submitted by the quarry operators on resumption of the assigned lands, if it is notified for grant of quarrying lease.

103. That apart, relying on the decision in **Haridas v. State of Kerala and others** reported in 2016 (4) KLT 707, learned Advocate

General submitted that when land is assigned for specific purposes, the assignee of patta cannot use it for commercial activities, as the specific purpose for which patta has been granted, cannot change the character of assignment consequent to passage of time.

104. Learned Advocate General has also relied on the decision of a Hon'ble Division Bench of this Court in **One Earth One life v. Ministry of Environment and Forest and others** reported in 2018 (3) KLT 683 and submitted that quarrying of minerals in the said land, covered by patta, is certainly a non-forest activity, and therefore, such non-forest activity cannot be permitted in the land so assigned therein. Learned Advocate General further submitted that the Orders of Assignment and the pattas are issued by the Tahsildar concerned under the provisions of Rules, 1964 and, therefore, Tahsildar is vested with powers under the provisions of Rules, 1964, to issue stop memos, requiring the assignee or his successor in interest, to stop quarrying activities carried out in the assigned land, if it is in violation of the patta issued and the Rules 1964 or the other special rules referred to above.

105. Learned Advocate General has advanced arguments assailing the correctness of the judgment of the learned single Judge in **Omana's** case (cited supra), relying upon the contentions advanced in the writ appeals filed against the common judgment in the batch cases. According to the

learned Advocate General, since the assignment granted by the Government is specific, to the extent of permitting cultivation/agricultural operations/ construction of residential buildings etc., there can be no presumption of transfer of sub soil right, either to the original assignee or to the successor in interest. Learned Advocate General further laid emphasis on the doctrine of public trust and also relied on the Directive Principles of State Policy under the the Constitution of India to contend that the State Government is vested with ample powers to ensure that the environment is not degraded, so as to affect public interest and the doctrine of public trust. Learned counsel appearing for the writ petitioners, who are against the quarrying operations, have also advanced arguments, supporting the contentions raised by the learned Advocate General and also relied on the provisions of the enactments referred to above.

106. We have evaluated the rival submissions made across the bar. In order to have a clear understanding of the issues raised, we deem it appropriate to refer to the statutory provisions.

107. Kerala Government Land Assignment Act, 1960 has been enacted by the Government to regulate the assignment of Government lands and to remove doubts as to the validity of the limitations restrictions imposed in assignments of land by the Government or under their authority. The Act, 1960 is extended to the entire State of Kerala, which received

assent of the President on 24.11.1960. In Travancore - Cochin area, assignments of Government lands were regulated by the provisions contained in the Travancore-Cochin Government Land Assignment Act, 1950. In the Malabar area, assignments of Government lands are not regulated by any specific statute, as in Travancore - Cochin area.

108. As per sub-section 2(a) of Act, 1960, assignment includes a transfer of land by way of lease and a grant of licence for the use of land and the assignee includes his heirs. The word "prescribed" is defined under Section 2(2)(c) to mean prescribed by rules made under the Act, 1960.

109. Section 3 deals with Assignment of Government Land and sub-section (1) thereto clearly specifies that Government land may be assigned by the Government or by any prescribed authority either absolutely or subject to such restrictions, limitations and conditions as may be prescribed. Sub-section (2) of Section 3 states that no Government land assignable for public purpose may be assigned under sub-section (1) without consulting the local authority as defined in the Kerala Panchayat Raj Act, 1994 or the Kerala Municipality Act, 1994, as the case may be, and if such local authority required such land, for carrying out any of the functions assigned to it, Government may set apart such land for that purpose.

110. Explanation to Section 3 of Act, 1960 makes it amply clear that any restriction as to alienation, whether voluntary or otherwise, of the rights

of the assignee, shall, be a restriction within the meaning of this section.

111. Section 4 of Act, 1960 deals with the procedure to be followed before Government lands are assigned. The said provision makes it clear that when any Government land is proposed to be assigned by the prescribed authority, otherwise than by way of lease or licence, the Tahsildar of the taluk in which the land is situated or any officer empowered by the Government in this behalf shall notify in the prescribed manner that such land will, by public auction or otherwise, be assigned, and call upon those who have got any claim to such land to prefer to him their objections, if any, in writing within a time which shall be specified in such notification. Other procedures are contemplated under Section 4, in order to tackle the situations, if and when any objections are raised.

112. Section 5 of the Act, 1960 speaks about Order of Assignment and Section 7 empowers the Government to make rules either prospectively or retrospectively and among others, to make rules for providing protection of royalties on the land assigned and prescribing the restrictions, limitations and conditions subject to which an assignment can be made in any case or class of cases. Sub-section (3) of Section 7 makes it clear that all rules made under the Act, 1960 shall be laid for not less than 14 days before the Legislative Assembly, as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during

the session in which they are so laid or the session immediately following.

113. Section 8 deals with assignment to take effect with restrictions, conditions, etc., according to their tenor and it states that all the provisions, restrictions, conditions and limitations contained in any Patta or other document evidencing the assignment of Government land or of any interest therein shall be valid and take effect according to their tenor, notwithstanding any law for the time being in force or any custom or contract to the contrary.

114. Apparently, by virtue of the powers conferred under Section 7 of the Act, 1960, Kerala Land Assignment Rules, 1964 has been promulgated by the State of Kerala. Rule 1A provides for exemptions and among others, sub-rule (ii) of rule 1A deals with assignment of Government lands made for the specific purpose of cultivating tea, coffee, rubber, cinchona and cardamom. Rule 3 empowers the Government to assign land without auction. Rule 4 is significant in this context, which speaks about the purpose for which land may be assigned. Rule 4 clearly specifies that Government lands may be assigned on registry for purposes of personal cultivation, house-sites and beneficial enjoyment of adjoining registered holdings. Rule 5 deals with the maximum limit of land to be assigned for cultivation.

115. Further, Rule 7 deals with priority to be observed in assignment, which reads as under:

"7. Priority to be observed in assignment. - Where any person is in occupation of Government lands under lease, whether current or time expired, or by way of encroachment not considered objectionable [such land if such occupation is before the first day of August 1971 shall be assigned to him on registry:]

Provided that the total extend of land, if any, owned or held by him in proprietary right or with security of tenure is less than the limits laid down in sub-rule (1) of Rule 5 or the annual family income from sources other than the Government lands held by him is below [Rs.1,00,000]:

Provided further that, in the case of any land set apart for assignment on registry to the members of Scheduled Caste/Scheduled Tribe and subsequently encroached upon by those persons who are landless and eligible for assignment of land under these rules, such land may be assigned to such encroachers, only after setting apart equal extent of other suitable unoccupied area for the members of Scheduled Caste/Scheduled Tribe Community;

Provided also that, in the case of landless Scheduled Caste and Scheduled Tribe families income limit mentioned in the first proviso shall not be applicable.

(2) In the case of unoccupied lands, the following order of preference shall be observed in granting registry:-

(i) First preference. - for persons who do not own or hold any land either in proprietary right or with security of tenure and whose annual family income does not exceed [Rs.1,00,000]:

Provided that in assigning lands under this clause [ten percent of the area shall be assigned to Ex-servicemen and] not less than twenty five per cent of the area shall be assigned to the members of the Scheduled Castes and Scheduled Tribes subject to availability of applicants.

Explanation: - For the purposes of this clause, a Kudikidappukaran or the holder of a Kudiyiruppu shall be deemed to be a person who does not own or hold any land;

(ii) Second preference: - for person who do not own or hold any land either in proprietary right or with security of tenure who are disabled while in active military service or who are dependent of those who are killed or disabled while in active military service;

(iii) Third preference. - for small holders who have not been able to resume their lands due to expiry of the time for applying for resumption and whose annual family income does not exceed Rs. 30,000.

Explanation: - For the purpose of this clause, "small holder" means a small holder as defined in the Kerala Land Reforms Act, 1963 (1 of 1964);

(iv) Fourth preference. - for serving military personnel with an approved service of not less than three years and who are decorated for gallantry or their dependents who do not own or hold any land either in proprietary right or with security of tenure;

Provided that in the absence of applications from such military personnels as aforesaid, the applications of other serving Military personnel with an approved service of not less than 10 years, and who do not own or hold any land either in propriety right or with security of tenure shall be considered.

(v) Fifth Preference. - for persons whose annual family income does not exceed Rs. 30,000 and the total extent of the land owned or held by them either in proprietary right or with security of tenure is less than the extent prescribed in these rules.

3. No registry shall be granted to any family in occupation of Government land either under a lease, current or time expired or by way of encroachment, unless it surrenders to Government, without claiming any compensation, the land in

excess of the extent proposed to be registered in its favour. If there is excess land in its possession and if it is not willing to surrender the excess land eviction will be resorted to.”

116. Rule 8 of the rules, 1964 deals with conditions of assignment on registry and it reads as under:

“8. Conditions of assignment on registry. - (1) Lands, granted on registry shall be heritable and alienable.

Provided that the assignee may mortgage such lands,-

- (a) to the Government or Co-operative Institutions or the Tea Board or the Rubber Board or any other financial institution recognised by the Government in this behalf, as security for obtaining loans for agricultural or land improvement purposes or for growing tea or rubber, and
- (b) to the Government or Co-operative Institutions as security for obtaining loans for house construction under the Village Housing Project Scheme or any other housing schemes sponsored by the Government, if such house is required for the occupation of the assignee or his family.

[(1A) Notwithstanding anything contained in sub-rule (1), the land assigned on registry as per sub-rule (1) of Rule 7 shall be heritable and alienable.

(IA) Notwithstanding anything contained in sub-rule (1), unoccupied lands assigned on registry shall be heritable but not alienable for a period of twenty five years from the date of assignment on registry.

(2) The assignee or a member of his family or his successor-in-interest shall reside in the land if it is granted as house site, or shall personally cultivate the same if it is granted for cultivation; and such residence or cultivation, as

the case may be shall commence effectively within a period of one year, from the date of receipt of the patta or of the provisional patta in cases where a provisional patta is issued in the first instance.

Provided that-

- (i) in the case of assignment to military personnel or their dependents as the case may be, the assignee may cultivate the land by his own labourer by the labour of any member of his family and with the occasional assistants, if any of hired labour or servants on wages payable in cash or in kind but not in crop share;
- (ii) the military personnel may apply for land anywhere in the State irrespective of the State to which they belong; and in the matter of assignment preference shall be given to persons belong to Kerala;
- (iii) the military personnel may lease for cultivation purposes the lands assigned to them whilst they are away on active services.

(3) The registry shall be liable to be cancelled for contravention of the provisions in [sub-rule (1) or sub-rule (2)]. The registry may be cancelled also, if it found that it was grossly inequitable or was made under a mistake of facts or owing to misrepresentation of facts or in excess of the limits of the powers delegated to the assigning authority or that there was an irregularity in the procedure. In the event of cancellation of the registry, the assignee shall not be entitled to compensation for any improvements he may have made on the land. The authority competent to order such cancellation shall be the authority which granted the registry, or one superior to it;

Provided that no registry of land shall be cancelled without giving the party or parties affected thereby, a reasonable opportunity of being heard:

Provided further that no assignment of Land shall be cancelled if the annual family income of the transferee occupant does not exceed Rs. 10,000 (Rupees Ten thousand only) and who does not own or possess any landed property, anywhere in the State;

Provided also that in the case of a transfer of Land covered by the above proviso the assignee shall not be eligible for further assignment of Land anywhere in the State].”

117. Rule 9 deals with collection of arrears of Government dues and issue of Provisional Patta and sub-section (1) thereto makes it clear that order granting registry shall be issued in the form in Appendix I to these rules. Sub rule (2) of Rule 9 states that in case where registry is made, patta shall be issued in the form in Appendix II to these rules. Where such patta is issued pending survey and demarcation, a note to the effect that the area noted in the patta is subject to revision after finalisation of the survey and demarcation shall be made in the patta. In such cases, when survey and demarcation is completed, the exact area assigned shall be noted in the patta by the assigning authority.

118. Rule 11 of the Rules, 1964 deals with list of assignable land to be prepared and sub-rule (1) thereto specifies that before granting registry, Government shall cause to be prepared lists of the lands which should be reserved for Government or public purposes in each village and lists of the lands which may be made available for assignment in each village. Sub-rule (2) of Rule 11 specifies that the lands to be reserved for Government or

public purposes shall include as may be found necessary. Among others, Rule 11(2)(viii) provides for lands containing or believed to contain valuable minerals, quarries etc.

119. Sub-rule(8) of Rule 11 clearly specifies that applications for assignment of land shall be made to the Tahsildar in the form in Appendix IV of the Rules, 1964 and each such application shall bear court-fee stamp. Rule 12A states that notwithstanding anything contained in sub-rules (3) and (4) of Rule 12, the Government may constitute for each taluk, a committee called the Taluk Land Assignment Committee which may consist of officials and non-officials, for advising the Tahsildar in regard to the assignment on registry of lands available for assignment for personal cultivation or house sites.

120. Whatever that be, Rules 24 of the Rules, 1964 empowers the Government; notwithstanding anything contained in the rules, if they consider it necessary so to do in public interest, may assign land dispensing with any of the provisions contained in these rules and subject to such conditions, if any, as they may impose.

121. Appendix I constituted under Rule 9(1) of the Rules, 1964 prescribes Form or Order of Assignment on Registry, subject to the conditions prescribed therein. Appendix I has undergone amendment in 2017 and 2018. However, as it originally stood, Appendix I contains a

condition that the existing and customary rights of Government and public in roads and paths and rivers, streams and channels, running through or bounding the land, and the right of Government to a share in mines and quarries subjacent to the said land are reserved and are no way affected by the grant. Even after the amendment of 2018, the said clause in the Appendix remains the same though the sequence is changed.

122. Appendix II deals with patta issued under Rule 9(2), wherein also, the same condition is incorporated as it originally stood and as per the amendment in 2017. Therefore, reading of the provisions of Act, 1960 and Rules, 1964, makes it clear that it has got a clear cut procedure in the matter of assignment of land. Reading of the provisions of the rules also makes it clear that the intention of the Act and rules is to provide land to the landless for agricultural operations/cultivation/construction of residential buildings and for beneficial enjoyment of the adjoining lands.

123. Mines and Minerals (Development and Regulation) Act, 1957 is an Act to provide for the development and regulation of mines and minerals under the control of the Union. In exercise of the powers conferred by subsection (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), Government of Kerala has made the Kerala Minor Mineral Concession Rules, 2015, in supersession of the Kerala Minor Mineral Concession Rules, 1967 issued by notification

dated 24.11.1967.

124. Rule 7 of the Rules speaks about payment of royalty and it specifies that every applicant for a quarrying permit shall pay royalty advance to the Government at the rates specified in Schedule I or IV, as the case may be. In the case of payment of royalty under consolidated royalty payment system for granite (building stones) and laterite (building stones) the competent authority may permit an applicant to opt for making payment under this system.

125. The proviso to Rule 7 provides that in cases where extraction of minerals are from Revenue Puramboke land or from lands possessed by other Government Departments or Local Self Governments, the person who extracts minerals from such lands shall pay compensation or value of minerals as the case may be, to the department concerned for the quantity of such extraction, as fixed by such departments from time to time.

126. Rule 16 of the Rules, 2015 speaks about cancellation of quarrying permit and it reads as under:

“16. Cancellation of quarrying permit.— If the Government or competent authority under these rules has reason to believe that a permit was obtained by way of submission of any false documents or in contravention of provisions of any other law or the permit holder has violated any of the conditions stipulated under these rules, the State Government or the competent authority may, after giving the permit holder an opportunity of being heard, direct him not to undertake any quarrying

operations in the area to which the permit relates and may cancel the permit and in such cases the quarried materials lying on the land from which they are extracted shall become the absolute property of the Government. In such an event, all the royalties and rents paid in advance or part thereof that may stand to the credit of the permit holder shall also be forfeited to Government."

127. Rule 27 of the said rules speaks about application for grant of quarrying lease and it reads as under:

"27. Application for grant of quarrying lease.-- (1) An application for grant of renewal of a quarrying lease shall be made to the competent authority in Form 'B':

(2) Every such application shall be accompanied by-

(a) income-tax clearance certificate from the income-tax officer concerned.

(b) copy of the survey map of the area attested by an officer not below the rank of a Tahsildar of the department of Land Revenue or Assistant Director of the department of Survey and Land Records. The area applied for extraction in each survey number shall be demarcated and coloured red in the map;

(c) possession and enjoyment certificate issued by the Village Officer concerned in respect of the land from which the minerals are proposed to be extracted and removed;

(d) No Objection Certificate, in the case of revenue poramboke lands or lands owned by Local Self Government or forest lands, from the District Collector or Secretary of the Local Self Government Institution or Divisional Forest Officer, as the case may be, to the effect that they have no objection for the extraction of minor mineral by the applicant subject to the provisions contained in these rules;

(e) certificate of demarcation of the boundaries of areas applied for, issued by an officer of the Department of Land Revenue not below the rank of Village Officer who has jurisdiction over the relevant area;

(f) certificate from the Village Officer concerned to the effect that the land applied for quarrying lease is not

assigned for any special purpose by the Department of Land Revenue;

(g) notarised consent letter from the owner of the land applied for quarrying lease to the effect that he has no objection to the extraction of the minor mineral by the applicant, if the land is not in the possession of the applicant:"

128. Rule 40 of the Rules, 2015 speaks about conditions of quarrying lease and it reads as under:

"40. Conditions of quarrying lease.- (1) Every quarrying lease shall be subject to the following conditions and/or any other conditions that may be imposed by the competent authority and such conditions shall be incorporated in every quarrying lease deed,-

(a) the lessee shall report to the competent authority, the discovery in the leased area of any mineral not specified in the lease within fifteen days of such discovery;

(b) if any mineral not specified in the lease is discovered in the leased area, the lessee shall not win or dispose of such mineral unless a separate lease is obtained therefore under the relevant rules and if he fails to apply for such a lease within six months from the discovery of the mineral, the Government may grant a lease in respect of such minerals to any other person;

(c) the lessee shall pay to the Government royalty on any mineral moved out of the lease hold at the rates specified in Schedule I or consolidated royalty at the rate specified in Schedule III in the case of Registered Metal Crusher Units, as may be fixed by the Government from time to time.

(d) the lessee shall pay the Government for every year, except the first year of lease such yearly deed rent within the limits specified in Schedule II, as may be fixed from time to time by the Government. Where the lease permits the working of any mineral, the lessee shall be liable to pay dead rent or royalty in respect of the mineral whichever is higher, but not both;

Provided that where the lease permits the working of more than one mineral in the same area, the lessee shall be liable to pay dead rent or royalty in respect of each mineral subject to

the restriction mentioned above in respect of any mineral:

Provided further that where the quarrying of one mineral involves the quarrying of another mineral or minerals and lease permits the working of such other mineral or minerals also the lessee shall be liable to pay dead rent for only one mineral, the highest dead rent being payable for this purpose in lieu of the combined royalty, if the latter is less than the former.

(e) the lessee shall also pay to the Government for the surface area used by him for the purpose of mining operations, surface rent at such rate, as may be specified in the lease, but not exceeding the land revenue and cesses assessable on the land from time to time.

(f) the lessee shall not employ in connection with the mining operations any persons who are not an Indian National except with the previous approval of the State Government or the competent authority;

(g) the lessee shall commence quarrying operations within two years from the date of execution of the lease and shall thereafter conduct such operations in a proper, skillful and workman-like manner. Otherwise the lease shall lapse on the expiry date of the period of two years from the date of execution of the lease;

Provided that the competent authority may, on an application made by the holder of such lease within three years from the date of execution of the lease and on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue with such operations for reasons beyond his control, make an order, subject to such conditions as may be prescribed, to the effect that such lease shall not lapse.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX”

129. Rule 50 of the KMMC Rules, 2015 speaks about cancellation of quarrying lease and it reads as under:

“50. Cancellation of quarrying lease.—If the Government or competent authority under these rules has reason to believe that the lease granted is in contravention of provisions of any other law or the lessee has violated any of the conditions subject to which the lease is granted, the

Government or the competent authority may, after giving the lessee an opportunity of being heard, direct him not to undertake any quarrying operations in the area of the lease and may cancel the lease and in such cases the quarried materials lying on the land from which they are extracted shall become the absolute property of the Government. In such an event, all the royalties and rents paid in advance or part thereof that may stand to the credit of the lessee shall also be forfeited to Government:

Provided that where the competent authority is of the opinion that it is expedient in the interest of regulation of quarries and mineral development, preservation of natural environment, control of floods, prevention of pollution or to avoid danger to public health or communications or to ensure safety of buildings, monuments or other structures or for such other purposes, as the competent authority may deem fit, he may, by an order terminate the quarrying lease with respect to the area or any part thereof covered by such lease."

130. Rule 53 of the KMMC Rules, 2015 provides that mining plan as a pre-requisite for the grant of quarrying permit or quarrying lease and it states that except as provided in the proviso to sub-rule (1) of Rule 9, no quarrying permit or lease shall be granted by the Government or the competent authority unless there is a Mining Plan duly approved by the competent authority.

131. It is an admitted fact that stop memos were issued by the Tahsildar concerned and other statutory authorities against the purchasers of the land from the assignees, with the specific intention of conducting quarrying operations, which is not comprehended under the provisions of Act, 1960 and Rules, 1964 or other special rules made for assignment.

132. Even though much reliance was placed by the learned counsel for the quarry operators on Rule 24 of the Rules, 1964, which empowers the Government, if they consider necessary so to do in public interest, to assign land dispensing with any of the provisions contained in the rules and subject to such conditions, if any, as they may impose, it is significant to note out that there is no case for the quarry operators that Government have granted exemption in public interest, and assigned lands dispensing the provisions of Rules, 1964. Therefore, one will have to consider the issue bearing in mind that the conditions and restrictions contained under the Act, 1960, the Rules, 1964 and other special rules would squarely apply to any successor in interest of the original assignee also.

133. Even though contentions were advanced relying upon the conditions imposed in the Order of Assignment on registry and the patta as per Appendix-I and II that the Government is vested with powers to grant lease after securing a share in mines and quarries subjacent to the lands, we are unable to agree with the same because, the said statutory condition contained under the Order of Assignment on registry and patta only re-enforces the right of the Government to retain the share in mines and quarries subjacent to the said lands granted in the assignment. At the most, it could be said that such a condition is incorporated in the Appendix made to Rules, 1964 to protect the rights of the Government in the mines

and quarries when agricultural operations or other permitted activities under Rule, 1964 are carried out by the assignee or his successor in interest and nothing more.

134. Yet another aspect that comes to our mind is that the authority while granting assignment has protected the rights of the Government to a share in mines and quarries subjacent to the said land, in order to make it clear that such rights on the Government would not be affected by granting the assignment by the authority under the Rules, 1964, which apparently as per Rule 8 is the Tahsildar or the District Collector, in accordance with the context prescribed therein.

135. Another contention advanced by the learned counsel for the quarry operators is that by virtue of the provisions of Kerala Minor Mineral Concession Rules, 2015, Government is vested with powers to grant quarrying lease or permits, which rule is framed as per Section 15 of the Act, 1957, which is a Central enactment and, therefore, when the provisions of the Kerala Government Land Assignment Act, 1960 and Rules, 1964 come in conflict with the provisions of the rules constituted, by virtue of the delegated legislation under Section 15, the Rules, 2015 would have supervening powers over the provisions of Act, 1960 and Rules, 1964. We do not find much force in the said contention because both are operating in different fields and there is no conflict at all by and between the laws as

contended. The assignment is granted by the authorities under the Act, 1960, Rules, 1964 and other special rules, in respect of the lands available with the State Government for granting assignment. Rules, 1964 and other special rules make it clear that whenever there is a violation of the rules, the authorities are vested with powers to resume the land, which is an absolute power and a stop memo issued is only a prelude to deal with the resumption of the land for violation of the Rules, 1964 and the other special rules. Admittedly, a Non Assignment Certificate was secured from the Village Officers concerned, as contemplated in Rule 27(2)(f) to the effect that the lands applied for quarrying lease are not assigned for any special purpose by the Department of Land Revenue, which is factually not correct even going by the contentions advanced by the quarry and other operators on the assigned land.

136. That apart, arguments were advanced by the learned counsel appearing for the quarry operators that as per Rule 1A of the Rules, 1964, lands which are assigned for specific purpose of cultivating tea, coffee, rubber, cardamom, etc., are exempted from the provisions of the said rules, and therefore, a certificate contemplated under Rule 27(2)(f) of the Kerala Minor Mineral Concession Rules, 2015, will have to be issued by the Village Officer concerned to the effect that the land applied for quarrying lease is not assigned for any specific purpose.

137. However, it is significant to note that under Rule 1A of the Rules, 1964, the phraseology employed is 'assignment of Government lands made for the specific purpose of cultivating tea, rubber, cardamom, etc.,' whereas the certificate in contemplation of Section 27(2)(f) of the KMMC Rules, 2015, the phraseology employed is that 'land applied for quarrying lease is not assigned for any special purpose by the department of Land Revenue'. As we have deliberated above, as per the provisions of the Act, 1960 and Rules, 1964 and other special rules, the lands were assigned only for the purpose of cultivation/construction of residential buildings and beneficial enjoyment of adjoining lands which when granted is for a special purpose though, not a specific purpose in contemplation of Rule 1A(ii) of the Rules, 1964. This we say so also for the reasons that, - (i) the assignment made is not an absolute assignment by the Government; (ii) as per Rule 11(2), lands to be reserved for Government or public purposes shall include, among others, as may be found necessary i.e. lands containing or believed to contain valuable minerals, quarries, etc., and (iii) though the Government is vested with powers under rule Rule 24 of the Rules, 1964 to assign lands in public interest dispensing with any of the provisions contained in the Rules, it has not done so.

138. Not only the Government have not done so, but also none of the quarry operators have a case that any exemption is granted under Rule

24 of the Rules, 1964 and assigned lands, so as to secure the certificate from the Village Officer concerned as contemplated under Rule 27(2)(f) of the KMMC Rules, 2015 enabling the authority under the said rules to execute quarrying lease or grant permit. In our considered opinion, the quarry and other operators are not entitled as of right, to secure a quarrying lease, in contemplation of Rules, 2015, if the lands are assigned for any special purpose by the Department of Land Revenue.

139. So also, by virtue of the Special Rules for Assignment of Government Lands for Rubber Cultivation, 1960 and Arable Forest Land Assignment Rules, 1970, the authorities are vested with powers for cancellation of assignment and resumption of the land, if the conditions of assignment as per the said rules are violated by the assignees. Therefore, the power of the authority under the rules is patent and clear.

140. It is pertinent to note the submission of Mr. Sajeev Kumar K. Gopal and Mr. Philip J. Vettikkat, learned counsel for the respondents/quarry operators, that they are conducting quarrying operations in their own properties and have not secured any quarrying lease.

141. Learned counsel for the writ petitioners, has relied on a decision of the Hon'ble Supreme Court in **State of Andhra Pradesh v. Duvvuru Balarami Reddy** (AIR 1963 SC 264) to contend that since a lease is executed by the Government for quarrying operations, it has acted upon the

terms of assignment and conveyed the soil, including subsoil rights. Learned counsel for the writ petitioners has also relied on the decision of the Hon'ble Supreme Court in **Thressiamma Jacob** (cited supra), with respect to the subsoil rights, wherein, the Hon'ble Apex Court has referred to the judgment in **Duvvuru Balarami Reddy** (cited supra). However, from the facts and circumstances involved in the said case, it is clear that the Hon'ble Apex Court in **Thressiamma Jacob** (cited supra) was considering the question of subsoil rights vis-a-vis erstwhile Malabar area and, therefore, the provisions of law laid down therein may not have much bearing to the facts and circumstances involved in the cases on hand.

142. Mr. Santhosh Mathew, however, submitted that once a quarrying lease is granted under the provisions of Kerala Minor Mineral Concession Rules, 2015, constituted under the Mines and Minerals (Regulation and Development) Act, 1957, State Government has no manner of right to control and regulate the mining activities. However, as we have pointed out above, it is clear from Rule 27(2)(f) of the Rules, 2015 that in order to grant a quarrying lease, a certificate from the Village Officer concerned that the land in question is not an assigned land, has to be secured. But, in spite of the land being assigned to the original assignee for agricultural purpose/cultivation/house building/beneficial enjoyment of adjoining land, a certificate was issued stating that the land in question is a Non Assigned

land. Therefore, one thing is clear even from Rule 27(2)(f) of the KMMC Rules, 2015 that if the land is an assigned land for agricultural operations, etc., it cannot be granted with a quarrying lease. Admittedly, in these cases, the assignment is for agricultural and other special purposes, and therefore, the Village Officer concerned could not have issued a certificate as contemplated under Rule 27(2)(f) of the Rules, 2015.

143. Even though learned counsel for the quarry operators have relied on the decision in **Manu Anand v. State of Kerala and Others** [2016 SCC Online Ker 26133], the facts and figures therein show that the question considered was not whether the Government, by virtue of the powers conferred under Rule 24 of the Rules, 1964, have or have not exempted the land in the said case, but the question was whether Government can delegate such power to the District Collector concerned; and it was found that the Government is not vested with the powers to delegate the District Collector under Rule 24 of the Rules, 1964 and the power of the Government for invoking Rule 24 was left open.

144. Learned counsel for the quarry operators have also relied on a Full Bench decision of the Karnataka High Court in **State of Karnataka v. Dundamanda Shetty** [ILR 1993 KAR 2605], wherein, the enjoyment of subsoil rights vis-a-vis holder of an inam grant was considered and held that the mere fact that a person is the holder of an inam grant would not by

itself be enough to establish that the inam grant included the grant of subsoil rights in addition to the surface rights; the grant of subsoil rights would depend upon the language used in the grant. It was also held that if there are no words in the grant from which the grant of subsoil rights can be properly inferred, the inam grant would only convey the surface rights to the grantee, and the inam grant could not by itself be equated to a complete transfer for value of all that was in the grantor.

145. The contention advanced by the learned counsel relying on the abovesaid decision is that since in the assignment, a share of the Government in subsoil/mineral rights is reserved, it can only be presumed that the Government has exercised its rights under Rule 24 of the Rules, 1964 and has granted the quarrying lease. However, fact remains that Rule 24 only enables the Government to assign a land exempting the provisions of Rules, 1964. That apart, there is no case for the writ petitioners/quarry operators that lands were assigned to them invoking Rule 24. Therefore, the decision relied on by the learned counsel in **Dundamanda Shetty** (cited supra) also is not applicable to the issue in the cases on hand.

146. Mr. Ranjith Thampan, learned Senior Counsel appearing for the writ petitioners, has invited our attention to the judgment of the learned single Judge in **Omana's** case (cited supra), the correctness of which was doubted by another learned single Judge and referred the matter to the

Division Bench, and against which, appeals are also preferred by the State Government; to contend that the express reservation by the Government, of its rights in mines and quarries, enables the Government to grant leases and permits for exploitation of minerals subjacent to the land, the ownership of which vests with the Government. As we have pointed out above, the power of the Government to exempt from the provisions of Rules, 1964 is to grant assignment. However, there is no case for the writ petitioners that the Government has assigned land to them exempting from the provisions of the Rules, 1964. On the other hand, the authority under the KMMC Rules, 2015, by virtue of the provisions of Rule 27(2)(f), has relied/acted upon the Non Assignment Certificates issued by the Village Officers concerned, which are contrary to the Special Rules for Assignment of Government Land for Rubber Cultivation, 1960, Kerala Land Assignment Rules, 1964 and other special rules.

147. Mr. Ranjith Thampan, learned Senior Counsel, has also invited our attention to the decision of the Hon'ble Supreme Court in **Baijnath Kedia v. State of Bihar and Ors.** [(1969) 3 SCC 838] and the decision of a Hon'ble Bull Bench of Andhra Pradesh High Court in **Government of Andhra Pradesh and Ors. v. Y.S. Vivekananda Reddy and Ors.** [AIR 1995 AP 1], in support of his contentions.

148. In **Baijnath Kedia** (cited supra), a Five Member Constitution

Bench of the Hon'ble Apex Court was considering the question as regards the power of the Central Government to declare, in public interest, that the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 vests with the Central Government. As we have pointed out above, interference was made by the Revenue officials of the State for violation of the conditions of assignment made, by virtue of the powers conferred under the Kerala Government Land Assignment Act, 1960 and Rules, 1964 and other special rules constituted under the Kerala Government Land Assignment Act, 1960. Therefore, the decision in **Baijnath Kedia** (cited supra) may not have any application to the issue involved in the batch of writ petitions.

149. That apart, a Full Bench of Andhra Pradesh High Court in **Y.S. Vivekananda Reddy** (cited supra) was only considering the question with respect to the power of State Government to deal with major mineral and minor mineral, and held that State Legislature has denuded of the legislative power on the topic of regulation of mines and mineral development, and therefore the premature termination of sub leases made by the lessor State, by the Government Order impugned therein cannot be upheld even under the executive power of the State Government under Article 162 of the Constitution. In our view, the issue considered therein has no manner of connection with the issues involved in this batch of cases.

150. That apart, the requirement for protection of environment, diversion of forest land, Government orders laying down condition to regulate exploitation of environment and nature resources, etc., were considered by a Hon'ble Full Bench of this Court in **Nature Lovers Movement v. State of Kerala and Ors.** [AIR 2000 Ker 131] and held as under:

"103. A) That the petitioner has 'locus standi' and the writ petition filed as Public Interest Litigation is maintainable, (vide para 16)

B) That Exts. P17 and P42 orders of the Government of India and consequent steps for issue of title deeds to occupants/encroachers are not opposed to Article 48A or 51A of the Constitution, (vide paragraph 22)

C) That Exts. P17 and P42 orders of the Government of India and the consequent steps are in consonance with the concept of 'sustainable development' and environmental protection, (vide paragraph 30)

D) That the provisions contained in the Forest (Conservation) Act, 1980 have no retrospective operation and they operate prospectively. (vide paragraphs 45 to 50)

E) That the provisions contained in the Kerala Land Assignment (Regularisation of Occupation of Forest Land prior to 1-1-1977) Special Rules, 1993 are legal and valid, (vide paragraphs 55 and 56)

F) That the cut-off date namely, 1-1-1977 fixed for assignment as per Ext. P15 is not arbitrary, (vide paragraph 59)

G) That all the conditions stipulated in Ext. P17 have been substantially complied with by the Government of Kerala. (vide paragraphs 65 to 78)

H) That the Compensatory Afforestation Scheme framed by the Government of Kerala is adequate and sufficient, (vide paragraph 84)

I) That the issue raised herein Involves a human problem as also a socio-economic problem, (paragraphs 86 to 95)

J) That the occupants/encroachers are liable to pay compensation for the injury caused by them to the general public in view of 'Polluter Pays Principle', (vide paragraph 100)

K) That the State Government shall determine the quantum of injury and amount of compensation payable in consultation with the Forest and Revenue Departments, (vide\ paragraph 101)

L) That the lands in excess of four acres in the possession of the occupants shall be resumed without paying compensation, (vide paragraph 74)"

151. *Per contra*, learned Advocate General has relied on the decision of a Hon'ble Division Bench of this Court in **Shibu v. Tahsildar** reported in [1993 (2) KLT 870], which dealt with a case as regards ownership in the minerals below the surface of the land. In the said decision, the Division Bench held that after the proclamation of His Highness the Maharaja of Travancore dated 14/6/1881, the rights in metals and minerals vest in the State. It is further held that there is no conflict between the acquisition of title to mines and minerals and the regulation and development of rights in relation to the same and therefore vesting of mineral rights in the State was independent and unaffected by the Mines and Minerals (Regulation and Development) Act, 1957. Paragraphs 7 to 16 is reproduced:

"7. The points that arise for consideration are:

(1) Whether mineral rights in patta lands vest in pattadar, and not in the State, and whether the mineral rights in Malabar area vest in the pattadar and there is likelihood of discrimination between Malabar area and other parts of Kerala?

(2) Whether the Proclamation of His Highness the Maharaja of Travancore issued on 14.06.1881 vesting mineral rights in the State becomes invalid on the ground of repugnancy in view of Section 2 of the Mines Minerals (Regulation and Development) Act, 1957?

(3) Whether, even otherwise, pattadars can conduct mining operations without reference to the Central Act of 1957 and the Rules made thereunder including the Minor Mineral Concession Rules?

8. Point No.1: In *Karimbil Kunhikannan v. State of Kerala*, AIR 1962 SC 723, a case arising from Hosdrug and Kasaragod areas which were formerly in the Madras State, a Constitution Bench of the Supreme Court laid down, while dealing with the rights of land-holders under the ryotwari system, that:

"The holders of ryotwari used to hold on lease from the Government. The basic idea of ryotwari settlement is that every bit of land is assessed to a certain revenue and assigned a survey number for a period of years.... The ryot is generally called a tenant of Government but he is not a tenant from year to year and cannot be ousted as long as he pays the land revenue assessed.... Though, therefore the ryotwari pattadar is virtually like a proprietor and has many advantages of such a proprietor, he could still relinquish or abandon his land in favour of the Government. It is because of this position that the ryotwari pattadar was never considered a proprietor of the land under the patta, though he had many of the advantages of a proprietor." (emphasis supplied)

In *Secretary of State for India v. Srinivasachar*, (1921) ILR (44) Mad. 421 (PC), the Privy Council held that, in the absence of an express covenant creating such an interest in the land, the Government's right to sole ownership of the minerals is not affected. Sir Lawrens Jenkuas observed:

"A grant of this description may be no more than an assignment of revenue, and even where it is or includes a grant of land, what interest in the land passed must depend on the language of the instrument and the circumstances of each case."

In *State of A.P. v. Balarami Reddy*, AIR 1963 SC 264, another Constitution Bench of the Supreme Court relied upon Srinivasachar's case, decided by the Privy Council for

reiterating that the mere fact that a person is the holder of an inam would not by itself be enough to establish that the inam grant included the grant of sub-soil rights in addition to the surface rights. It was held that the grant of sub-soil rights would depend upon the language used in the grant and that there are no words in the grant from which the grant of the sub-soil rights could be properly inferred, the inam grant would only convey the surface rights to the grantee.

9. The Law Commission in its 10th Report had, while dealing with the rights of the Governments to minerals in Zamindars, Jagirs, major inam and the like, expressed the view that 'in the Ryotwari areas, the problem does not arise and could not arise as the right of the Government to the underground rights was never disputed'

10. The law relating to the minerals in the Madras Presidency before 1-11-1956, and in Andhra Pradesh, was reviewed by Division Bench consisting of Jaganmohan Reddi, C.J. (as he then was), and E. Venkatesan, J. in *Siibbarami Reddi v. Union of India*, ILR 1969 A.P. 736, where the above decisions of the Privy Council and Supreme Court were referred to and followed.

11. The same view has been taken by the Karnataka High Court in *Nanjanayaka v. State of Karnataka*, 1990 Kar 97 that the pattadars in erstwhile Mysore State and Kollegal Taluk which became part of the Mysore District, have no right to quarry minor minerals in the patta land.

12. A Division Bench of the Madras High Court in *T. Swaminathan v. State of Madras*, AIR 1971 Mad. 483, has also held that the ryotwari pattadar has no ownership in the minerals below the surface of the land. The learned Judges referred to the decision of the Privy Council in *Sashi Bhusan Misra v. Jyoti Prasad Singh*, (1916) AIR 1916 PC 191 = 44 Ind. App. 46, that even if the tenure was permanent, heritable and transferable, it did not carry a right to the minerals unless there was express evidence that such rights were included.

13. Coming to the decision of the Supreme Court in *Raja Anand Brahma Shah v. State of U.P.*, AIR 1967 SC 1081, *State of Punjab v. M/s. Vishwakarmas & Co.*, JT 1993 (1) SC 448, we are of the view that the said decisions were based upon the special grants in those cases or the special tenure, and that those decisions cannot help the appellant.

14. We, therefore, hold that the appellant's lessor and therefore the appellant cannot claim any right to the minerals on the ground that the lessor was a pattadar. Point is found accordingly against the appellant.

15. Point No.2: It is contended that the Proclamation of His Highness the Maharaja of Travancore dated 14-6-1881 vesting the rights in metals and minerals has become invalid because of S.2 of the Mines and Minerals (Regulation and Development) Act, 1957. In our view, the Proclamation deals with acquisition by the State of the right to the mines and minerals and is not repugnant to the provisions of S.2 of the Act of 1957. It is true that Entry 54 of List deals with:

"regulation of mines and minerals development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in public interest".

and Parliament has evinced an intention to occupy the said field by S.2 of the Miners & Minerals (Regulation and Development) Act, 1957. But there is no conflict between acquisition of title to mines and minerals and the regulation and development of rights in relation to them. This point directly arose before the Supreme Court in Bhagwan Dass v. State of U.P., AIR 1976 SC 1393, and State of Haryana v. Chaman Lal, AIR 1976 SC 1654. In the first case, the mineral rights vested in the State by virtue of a State Act of 1951 (i.e. before the 1957 Act of Parliament), while in the other, the mineral rights vested in the State by a State Act of 1973. In either case, the vesting of mineral rights in the State was held to be independent and unaffected by the Central Act of 1957 which deals only with regulation and development. Therefore, Proclamation of the Maharaja of Travancore dated 14-6-1881 vesting the mineral rights in the State is wholly unaffected by the Central Act of 1957. Point 2 is held against the appellant.

16. Point No.3: In any event, even assuming that the ownership of the pattadar extends to the mines and minerals in the patta land, the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 and the Rules made thereunder, including the Kerala Minor Mineral Concession Rules, 1967, issued by virtue of S.15 of the Act operate even in respect of the mines and minerals in the patta lands and therefore the appellant cannot claim any rights to exploit the

mines and minerals in patta lands outside the provisions of the Act and Rules;

For the aforesaid reasons, the refusal by the Director and the Geologist to pass orders either for mining or for transport in favour of the appellant, who has admitted illegal mining and commission of offences, is valid. The Writ Appeal is dismissed.”

152. Learned Advocate General has further relied on the decision of another Division Bench of this Court in **Varkey Abraham v. Secretary to Government** [2007 (3) KLT 702], wherein the intricacies of the assignment under the Kerala Land Assignment Rules, 1964 and the power of the Government to exempt the lands from the provisions of Rules, 1964 as per Rule 24, were considered and adjudicated. In the said decision, the Hon'ble Division Bench held as under:

“13. Rule 7 of the Rules would not be helpful to the petitioner. Rule 7 (1) of the Rules reads as follows:

“7. Priority to be observed in assignment:- (1) Where any person is in occupation of Government lands under lease, whether current or time expired, or by way of encroachment not considered objectionable such land if such occupation is before the 1 st day of August, 1971, shall be assigned to him on registry:

Provided that the total extent of land, if any, owned or held by him in proprietary right or with security of tenure is less than the limits laid down in sub- rule (1) of Rule 5 or the annual family income from sources other than the Government lands held by him is below Rs. 10,000/-”

Rule 7(3) is mandatory in nature. It reads thus:

“(3) No registry shall be granted to any family in occupation of Government land either under a lease, current or time expired or by way of encroachment, unless it surrenders to Government, without claiming

any compensation, the land in excess of the extent proposed to be registered in its favour. If there is excess land in its possession and it is not willing to surrender the excess land eviction will be resorted to."

Since the petitioner holds lands in excess of the limits provided in Rule 5 (1), he cannot claim any priority also.

14. On another ground also, the petitioner is not entitled to succeed. It is reported that major portion of the land is rocky ("para puramboke"). If so, it comes under Rule 11 (2) (viii) of the Rules and it cannot be assigned, as rightly held by the Government in Exhibit P15 order. Rule 11 (1) of the Rules provides that before granting registry, Government shall cause to be prepared lists of the lands which should be reserved for Government or public purposes in each village and lists of the lands which may be made available for assignment in each village. Rule 11 (2) states the categories of lands to be reserved for Government or public purposes. They include the items mentioned in clauses (i) to (x) of sub Rule (2) of Rule 11. Clause (viii) therein is the following: "Lands containing or believed to contain valuable minerals, quarries etc." The Act or the Rules does not define "minerals" and "quarries". Section 2(jj) of the Mines Act (Act 35 of 1952) defines "minerals" thus: "Minerals" means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulicing, quarrying or by any other operation and includes mineral oils (which in turn include natural gas and petroleum)." Section 3 of the Mines and Minerals (Registration and Development) Act, 1957 defines the expressions "minerals", and "minor minerals" thus:

"(a) "minerals" includes all minerals except mineral oils.

(e) "minor minerals" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral."

The Chambers Dictionary defines "minerals" thus:

"Any of various classes of inorganic substances, esp. solid, naturally occurring and crystalline in form; a substance obtained by mining; ore; a substance neither animal nor vegetable."

The meaning of "quarry" as shown in Chambers Dictionary is as follows:

"an open excavation for building- stone, slate, etc; any source of building-stone, etc; a great mass of stone or rock."

To constitute a "quarry" within the meaning of clause (viii) of Rule 11 (2), it is not necessary that actual quarrying should be undertaken in the land. It is sufficient that the land has the potential to be converted into a quarry as understood in the common parlance. Rock available in the land and that too to a great extent, would satisfy the requirement of the land being the one containing valuable minerals, within the meaning of clause (viii). It would also satisfy the term "quarry". It is also to be noted that after the words "valuable minerals" and "quarries", the expression "etc." also occurs in clause (viii) of Rule 11 (2). We are of the view that the land would come within the purview of Rule 11.

15. The various provisions in the Kerala Government Land Assignment Act and the Kerala Land Assignment Rules would unmistakably show that the Act and Rules are intended to protect landless people by assigning to them Government lands for cultivation and other purposes. The Act provides for assignment of Government land absolutely or subject to such restrictions, limitations and conditions as may be prescribed. The Rules provides for assignment of lands on registry for purposes of personal cultivation. The Rules also provides for granting assignment of small extents of land for constructing houses and for the beneficial enjoyment of adjoining registered holdings. The Rules contain provisions for extending priority to landless people, members of Scheduled Caste and Scheduled Tribes, Ex-servicemen, persons disabled in active military service, persons who are dependents of those who are killed or disabled while in active military service, small holders whose family income is less than Rs. 10,000/-, certain category of kumkidars etc. The procedure for assignment is also provided in the Rules. Provision is made for preparing the lists of lands to be reserved for Government or public purposes and the lands to be set apart for assignment on registry. The lists are to be approved by the Government or an authorized authority. The authority to approve the list of lands available for lease or license shall be District Collector. Various authorities are also

provided to whom the applications under the different categories are to be submitted. We are of the view that the Act and Rules are not intended for enriching persons who hold extensive lands. Assignment on Registry of Government lands to such persons would defeat the very purpose of the Act and Rules. There is no vested right in any person to claim assignment on registry of Government land. The claim made by the petitioner originated and continued on encroachment. Such a person cannot have any legal right to claim that land. Provision for assignment of lands to encroachers is with a specific purpose. It is intended to protect such encroachers who are landless and downtrodden. They too have no vested right to get assignments on the registry. The scheme of the Act and the Rules would unmistakably show it. Mighty people do not come anywhere near the benevolent protective umbrella of the Act and Rules. True, a person may desire to annex to his property the neighbouring lands, though it is Government land. Such a desire is not recognised or protected under the Act and Rules.

16. Next, we shall consider whether the petitioner can take shelter under Rule 24. Rule 24 reads thus:

"24. Notwithstanding anything contained in these rules the Government may, if they consider it necessary so to do in public interest, assign land dispensing with any of the provisions contained in these rules and subject to such conditions, if any, as they may impose."

To invoke Rule 24, Government should consider it necessary in public interest to assign land. Public interest is the main ingredient for the application of Rule 24. Public interest is interest of the people at large. The purpose for which land is to be assigned invoking Rule 24 should be one for the benefit of the public in any sense of the term. Private interest of an individual to acquire more property could never be termed as public interest. It is relevant to note that Rule 24 empowers the Government to assign land dispensing with any of the provisions of the Rules alone. It does not empower the Government to dispense with any of the provisions of the Act. Section 3 (2) of the Act is relevant in this context. It reads:

“(2) No Government land assignable for public purpose may be assigned under sub-section (1) without consulting the local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) as the case may be and if such local authority required such land, for carrying out any of the functions assigned to it, Government may set apart such land for that purpose.”

We have held that the land in question comes under Rule 11(2) (viii). Such a land cannot be assigned without consulting the local authority. Rule 24, in our view, does not empower the Government to completely do away with the scheme of the Act and Rules and their purpose and intent. Rule 24 could only be exercised in a limited sphere and that too adhering to the paramount consideration of public interest. We hold that the petitioner cannot take recourse to Rule 24 as well.

For the aforesaid reasons, we are of the view that there is no merit in the Writ Appeal. The Writ Appeal is accordingly dismissed with costs, which we quantify at Rs. 2,500/-.”

153. Learned Advocate General has further invited our attention to the decision of a learned single Judge of this Court in **Haridas R. v. State of Kerala and Others** [2016 (5) KHC 615], wherein the question with respect to the assignment made for specific purpose vis-a-vis the power of the Government for resumption of the land assigned from the original assignee or the subsequent assignees was considered and it was held that a land assigned for the purpose of personal cultivation if put to any other use would be violation of the terms of assignment and Government can necessarily take back the land so assigned if the land is put to any use contrary to the terms of assignment. It was further held in the said decision

that the subsequent assignees of the original pattadar cannot claim any right other than that conferred on the original assignee, whose assignment on registry was specifically for the purpose of personal cultivation. It was also held that the legitimate expectation has to be contoured on those lines and none can claim an absolute right and enjoyment of the property, which is beyond and in violation of the specific terms of assignment.

154. That apart, it was held in **Haridas** (cited supra) that when assignment is made for a specific purpose, it cannot be said that if there is no prohibition in using it for any other purpose then an assignee or a subsequent owner could use it for any purpose to which a land is normally put to and that the prohibition has to be read into the terms of assignment when by virtue of a statutory provision, the assignment is made for a specific purpose.

155. Learned Advocate General has further relied on the decision of a learned single Judge of this Court in **Peter v. Union of India** [2020 (4) KLT 832], which is a subject matter of two appeals in this cluster of cases specifically referred to above.

156. Learned Advocate General has further relied on the judgment of a learned single Judge of this Court in **K.R. Ramanan and Another v. Kerala State Pollution Control Board and Others** [W.P.(C) No.9605/2008 dated 13.08.2009], wherein the question as to the powers of

the Government under Minor Minerals (Development and Regulation) Act, 1957, the rules framed thereunder, and the provisions of Rules, 1964 were considered and it was held as under:

"5. In view of the specific contention raised by the petitioners that quarrying undertaken by respondents 3 and 4 is in violation of the patta issued to them, I directed the 5th respondent to produce a copy of the patta issued to the predecessor-in-interest of respondents 3 and 4 as also the order of assignment of land on registry. The same have been produced as Ext.P5(a). The patta is one issued to one Uthuppu Simon, who is the predecessor-in-interest of respondents 3 and 4, containing the caption that the same is issued under Rule 8-D(ii) of Special Rules for Assignment of Government Lands for Rubber Cultivation. (In the present rules, there is no Rule 8D and therefore, the form may have been printed under the erstwhile rules, which have been replaced by the Special Rules for Assignment of Government Lands for Rubber Cultivation, 1960). The order of assignment of land on registry also contains the caption, 'Form of Order of Assignment of Land on registry for Rubber Cultivation" . Clause 4 of the Order of Assignment reads thus:

"4. The land assigned will be about 1.41 hectares, in area of which 1.21 hectares shall be put under rubber cultivation and the remaining area shall be used for the construction of a dwelling house and for a domestic garden, if so desired by the assignee."

Clause 5 reads thus:

"The registry shall be liable to be cancelled for contravention of conditions 1 to 3 above or the conditions specified in the patta."

Clause 10 reads thus:

"The assignee shall not use the land or suffer it to be used except for the purposes for which it is assigned."

Clause 13 reads thus:

"The existing and customary rights of Government and the public in roads, Paths, rivers, streams, channels through or bordering the land, and the right of

Government in mines and quarries subjacent to the said land reserved and are in no way affected by the grant.”

Condition No.1 of the patta reads thus:

“1. The assignee shall not use the land or suffer it to be used except for the purpose for which it is assigned.”

Rule 20 of the Special Rules for Assignment of Government Land for Rubber Cultivation, 1960, reads thus:

“20. (1) Non-compliance with or violation of any of the rules or condition of licence shall entail the cancellation of the licence. The Government may resume the land in such cases and no compensation shall be payable to such licensees.

(2) In the event of such resumption the Government may recover from the original allottee the entire amount of the loans distributed to him with interest till date, and the survey and demarcation charges including contour alignment charges and all other sums use from him in respect of the land resumed:

Provided, however, that if the land contains improvements made by the original allottee and Government decided to take over the land with such improvements, the Government may recover from the allottee the amount, if any, by which the value of the improvements as assessed by the Director of Agriculture falls short of the amounts due to the Government from the allottee:

Provided further that if the value of the improvements aforesaid is in excess of the amounts due to the Government, the allottee shall have no claim for such excess.

(3) Government shall also be at liberty to recover proportionate rental upto the date of resumption at the rates applicable to similar lands.

(4) When the entire amount due to the Government from the allottee has been recovered under sub-rule (1) aforesaid or the allottee has made alternate arrangements for payment of such amounts to the

satisfaction of the Director of Agriculture the allottee may be permitted to dismantle and remove the buildings or other structures, if any; constructed by him."

Section 8 of the Kerala Land Assignment Act reads thus:

"8. Assignment to take effect with restrictions, conditions, etc. according to their tenor.- All the provisions, restrictions, conditions and limitations contained in any Pattah or other document evidencing the assignment of Government land or of any interest therein shall be valid and take effect according to their tenor, notwithstanding any law for the time being in force or any custom or contract to the contrary.

Explanation.- In this section, the expression, "Government land" shall include land under the control or management of the Government at the time of the assignment."

In view of the conditions of assignment and the above said provisions of law, I have absolutely no doubt in my mind that respondents 3 and 4 could not have undertaken any sort of activities in the property assigned to their predecessor-in-interest other than cultivation of rubber. Respondents 3 and 4 have no case that the property has been cultivated with rubber. On the other hand, their specific contention is that the land is totally unsuitable for rubber cultivation. According to me, if respondents 3 and 4 had a case that the land is not suitable for rubber cultivation, they could not have on their own used the same for any other purpose, especially quarrying, which has been specifically reserved for the Government, in the said property. Therefore, even if respondents 3 and 4 could not have used the land for rubber cultivation, they could certainly not have done quarrying, except with prior permission of the Government and getting the conditions of grant changed appropriately. The counsel for respondents 3 and 4 would contend that the fact that the Village Officer had issued possession certificate pursuant to an application submitted by respondents 3 and 4 for applying for quarrying permit and the fact that the Geologist had issued a quarrying permit would go to show that it was with the permission of the Government that respondents 3 and 4 had undertaken the quarrying. I am unable to agree. Simply because a possession certificate has been issued by the Village Officer for applying for quarrying permit and a

quarrying permit has been issued by the Geologist, the same do not absolve respondents 3 and 4 from honouring the specific conditions of assignment contained in Ext.P5(a). That would not also lead to an inference of permission from the Government for quarrying also. The permission contemplated should have been on an application for such permission submitted by respondents 3 and 4. The permission cannot be inferred from the mere fact that respondents 3 and 4 had obtained a quarrying permit on the basis of the possession certificate issued by the Village Officer. Further when the assignment itself is with the condition that the right of the Government in the quarries is reserved, by appropriating the granite available in the property to themselves, actually respondents 3 and 4 have misappropriated property belonging to the Government without permission. Therefore, in view of Rule 20 of the Rules quoted above, the assignment itself is liable to be cancelled. In view of the fact that respondents 3 and 4 have misappropriated themselves the property belonging to the Government by quarrying granite from the quarry which has been reserved to the Government, respondents 3 and 4 are also liable to refund the entire value of the granite quarried by them from the property in question to the State.

6. The counsel for respondents 3 and 4 would contend that not only respondents 3 and 4 but also many other similar assignees have undertaken quarrying in the properties assigned for the specific purpose of cultivation of rubber. That does not absolve respondents 3 and 4 from the liability. On the other hand, it is the bounden duty of the 5th respondent to see that none of the similar assignees do quarrying in the properties assigned to them for the purpose of cultivation of rubber and also to recover the value of the granite, which they have appropriated to themselves by quarrying in the properties in question, after cancelling the pattas issued to them. In fact I am surprised to find that in spite of this court bringing the violation of the conditions of the patta, the Tahsildar and the Geologist have filed counter affidavits without any serious contentions against such violations, when it was their bounden duty to prevent the property belonging to the State being misappropriated by respondents 3 and 4 and others.

7. In the above circumstances, this writ petition is disposed of with the following directions:

(a) The 5th respondent shall take immediate steps to cancel the patta issued to respondents 3 and 4 for violation of the conditions of assignment as well as the rules under which the assignment has been granted. In view of the fact that respondents 3 and 4 have appropriated the properties belonging to the Government in the form of granite quarried from the property which was reserved to the Government, the 5th respondent shall take immediate steps to see that the value of the granite quarried by respondents 3 and 4 is recovered from respondents 3 and 4 in accordance with law after complying with all procedural formalities thereof.

(b) If, any similarly situated assignee has conducted quarrying in the properties assigned to them for rubber cultivation, the 5th respondent shall take appropriate proceedings against them also for cancelling of patta and recovery of value of the granite quarried by them, after affording an opportunity of being heard to them as in the case of respondents 3 and 4 as directed above.

(c) The above proceedings against respondents 3 and 4 and other assignees who are guilty of violation of conditions of the grant shall be initiated and completed as expeditiously as possible, at any rate, within three months from the date of receipt of a certified copy of this judgment and a report shall be filed in this Court within two weeks therefrom. Post this case for that purpose on 7.12.2009.

Before parting with the case, I note with distress that despite such illegality on a large scale having been brought to the notice of respondents 2, 5 and 6 they have not chosen to act on their own to protect the natural resources of the State which belong to the people. In the counter affidavits filed by respondents 2 and 6, they did not choose to take exception to the action of respondents 3 and 4 and instead of taking appropriate action against them and other similar persons, they have taken a stand favourable to respondents 3 and 4. The natural resources of the State belong to the people and respondents 2, 5 and 6, who are duty bound to protect the same, have taken a stand favourable to persons who have illegally appropriated the same unto themselves, thus failing in their duties. I fervently hope that they would at least act now with the urgency the situation demands and restore to the State what is legitimately due to it, failing which the Government shall initiate appropriate action in the

matter against them also. The Secretary to the Government shall also file a report in regard to the action taken in respect thereof. The Registry shall forward a copy of this judgment to the Chief Secretary to the Government for appropriate action and report.”

157. The decision of the learned single Judge in **K.R.Ramanan** (cited supra) was upheld by a Hon'ble Division Bench in **Gurudevan Metal Crushers and Another v. K.R.Ramanan and Others** [W.A. No.1908/2009 dated 25.08.2009], except the interference made to the directions issued by the learned single Judge to recover the royalty for extracting minerals from the property in question. The said judgment of the Hon'ble Division Bench was upheld by the Hon'ble Supreme Court in CC No.527/2010 dated 22.01.2010, however, making it clear that after the land is resumed and if it is notified for grant of quarrying leases, the petitioner will not be barred from applying for the same and nothing stated in the impugned order would come in the way of his application being considered. Therefore, in our considered opinion, the issues raised in this batch of cases are directly covered by the decision in **Gurudevan Metal Crushers** (cited supra), and we are in respectful agreement with the same.

158. Even though Mr. P.K.Suresh Kumar, learned Senior Counsel, relying on the judgment in **One Earth One Life v. Ministry of Environment and Forest** [2018 (3) KLT 683], submitted that the issue in respect of the quarrying operations in assigned lands is covered in favour of

the quarry operators, we are unable to agree with the same, for the reason that the very same question argued before the Hon'ble Division Bench was negated. In that context, we deem it appropriate to refer to the relevant paragraphs of the said judgment.

"42. It has been asserted by the petitioner that the quarries are being operated by the private respondents without getting environmental clearance, which is stated as a must, in view of the order passed by the Apex Court in **Deepak Kumar & Ors. v. State of Haryana** (2012 (1) KLT Suppl. 60 (SC) : (2012) 4 SCC 629). The stand of the private respondents is that environmental clearance is not necessary, as the actual extent is less than 5 hectares and the law stands already declared by this Court in **All Kerala River Protection Council v. State of Kerala** (2015 (2) KLT 78 (D.B.)). But the facts remains that the very same learned Judges, after examining the scope of the said verdict had made it clear in WA No. 1514 of 2015 (arising from W.P.(C) No. 7781 of 2015) (2015 (3) KLT 396) that environmental clearance is a mandatory requirement, even in respect of such quarries having lesser extent than 5 hectares. Similar view is stated to be taken by the National Green Tribunal as well. In so far as no environmental clearance has been obtained from the competent authority, the renewal of permit/functioning of the quarries can never be entertained.

43. Obviously, the quarrying lease was being executed between the Geologist coming under the Department of Mining and Geology, representing the State Government, without any involvement of the Forest or Revenue authorities. This was only with reference to the Kerala Minor Mineral Concession Rules, 1967, framed in terms of the relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957. As such, permission was being granted without ascertaining the nature or purpose of assignment of land involved. The lacuna in this regard was taken note of by the Government, who, accordingly, filled up the gap while framing the new Rules (Rule 4 of the Kerala Minor Mineral Concession Rules, 2015), whereby production of the

relevant certificate from the Village Officer is insisted, for granting/renewing the leasehold right. As it stands now, no lease can be granted, contrary to the purpose of the assignment.

44. The decision rendered by the Division Bench of this Court in W.A. No. 1164 of 2010 [Ext. R14(e)], holding that quarrying activity can be permitted from the land allotted for rubber cultivation, notwithstanding the condition of assignment, does not declare any law, but for the concession made by the Government, stating that it was the then policy of the Government, as put forth by the Government Pleader. Coming to the instant case, the policy of the Government is put forth in crystal-clear terms in the counter affidavit filed by the Chief Secretary to the Government, who represents the Mining Department, the Forest Department as well as the Revenue Department, that the quarrying activity will definitely endanger the ancient monuments of Megalithic era, situated in the nearby areas and that the Government does not want to cause any damage to the environment in this regard. In paragraph 20 of the counter affidavit, the Government asserts that instructions have been given to the District Collector, Thrissur, for cancellation of the pattas and take the lands back to the Government, in view of violations of the conditions and the relevant statutory provisions.

45. The private respondents concede that as per the patta issued to them, the property was assigned only for cultivation/other permissible activities, in terms of Rule 3/4 of the Kerala Land Assignment (Regularisation of Occupation of Forest Lands prior to 01.01.1977) Special Rules, retaining the right of the Government over the trees and the sub soil rights. It is with reference to this sub soil rights retained with the Government as per the Statute, that the private respondents contend that such right has been validly leased out to them, as per the quarrying lease executed between them and the Geologist. When the private respondents concede that the Government is the owner or the ultimate authority to deal with the sub soil right, it is always open for the Government to consider whether they should issue/renew/continue to grant the quarrying lease. The Government have made their stand clear in the counter affidavit that the quarrying activity, has already damaged

the ancient monuments in the area and has adversely affected the environment. They have taken a policy decision, not to have the quarrying lease renewed anymore; instructing the District Collector to cancel the lease and take the land back to the Government. This Court cannot hold that the said stand/policy is wrong, nor can it be substituted in any manner, more so, considering the larger public interest involved, overriding the limited private right of the party respondents.

46. Consequent to above, we are of the considered opinion that the Public Trust doctrine must also be made applicable in the present case. It is thus declared that whenever the Government decides to grant quarry permit or renew such permits, it must always take into account the availability of natural resources and the ecological impact and other environmental factors. Very often, quarry permits are granted on the basis of one sided self serving project reports which may not give a clear picture of the ground realities. This, in our considered opinion, is a significant lacuna to be addressed by State authorities.

47. Land degradation is a direct fallout of the quarrying activities and the long term effect of land degradation must be realised. The State must take all measures for soil conservation, as the green cover and trees on the top soil, can result in rejuvenation of the eco system.

DECISION ON THE ISSUES

48. Following the above discussion and having regard to the ratio in **T.N. Godavarman Thirumalpad v. Union of India** (supra), as also the doctrine of Public Trust enunciated by the Supreme Court in **M.C. Mehta v. Kamal Nath** (supra), we are of the considered opinion that the concerned areas which are declared to be Reserve Forest, should continue to receive the protective cover of law, notwithstanding the settlement and assignment over the areas. In other words, these lands should be treated as forest lands. The assignment of these lands, for the limited purpose of settlement and agriculture in the already denuded lands, can be permitted. But, quarrying activities should not be encouraged, since it will cause permanent damage to the area. The removal of granite stones even from the rocky

areas, will lead to loosening of the surface soil with its attendant problems of landslide and destruction of the green cover and these can hardly be permitted, if one takes into account the future needs of the mankind. Therefore, answering the issue Nos. (A), (B) and (C), we say that assignment of the land for limited purpose, envisaged under Rule 3 of the Special Assignment Rules, can be permitted. However, quarrying activities in those lands should either be prohibited altogether or should be permitted only under strict regulatory measures. The first three issues are answered accordingly.

49. The Cochin Government Gazette notified on 29.01.1938 reflected the existence of 06 Muniyaras namely, Munipara, Chandravi, Konnakuzhingara, Adirapiliy, Vailath Thandu and Erappanpara, in the Kodasseri areas as ancient monuments within the meaning of the Ancient Monuments Preservation Act, Act IX of 1110 (Cochin Act). This shows that these structures are historically important. Hence, having regard to the Monuments Act, as also the historical and archaeological need for preservation of the heritage, the Dolmens of the Muniyaras must definitely be protected. As already declared, even if the areas where the Dolmens are standing are not statutorily declared as protected area, they should be deemed to be protected, under the deeming provisions of the Monuments Act. When quarrying activities are carried out with drilling and blasting operations, they are bound to impact and weaken the foundations of the surrounding areas and therefore, we have no hesitation in declaring that the quarrying activities pose a serious threat to the Muniyaras and the issue No. (D) is answered accordingly.

50. Proceeding to the next issue and applying our mind to the case projected by the parties, as also the stand taken by the Archaeological Survey of India, it is our considered opinion that illegal extraction of granite stones from the area by the respondents 13 to 23 should be stopped immediately. The State should first conduct a detailed survey and demarcate the boundaries of the forest and puramboke land. The survey should be conducted scientifically. Only thereafter, the State should decide on whether the quarrying lease obtained by the private

respondents should be renewed or not, and until this exercise is carried out, the quarrying activities in the assigned land, as also the poramboke land should cease. The issue No. (E) is answered accordingly.

51. In so far as issue No. (F) is concerned, there can be no manner of doubt that the State authorities are obliged by statutory and constitutional compulsion to foster afforestation and also to protect the ecology and environment in the future interest of the mankind. Therefore, merely because the green cover is considerably diminished or denuded in the concerned area, it does not mean that further destruction of the land can be allowed. The effort must be to bring back the green cover through afforestation and further denuding of forests should be strictly avoided. The issue No.(F) is answered accordingly.

52. The tenure of lease that was granted to the private respondents barring respondent No. 13 has expired and therefore, it would be futile to express opinion on those which were issued without involving the Forest or the Revenue authorities and disregarding the purpose of the assigned land. But for the future, we issue direction for putting in place, fool proof measures to ensure that renewal of the mining lease be considered only after an effective survey of the concerned area is carried out with participation of all the stake-holders, particularly the Forest and the Revenue authorities and also the authorities of the Archaeological Department. Only when proper survey and demarcation are made and essential data is collected and the overall ground situation is assessed, the renewal or non-renewal of leases be considered, in the concerned identified areas. In so far as the respondent No. 13, whose lease is yet to expire, since the lease was granted without an inclusive consultative process, he cannot be allowed to operate the quarry, until the ordered exercise is completed in the area, where he was operating. It is ordered accordingly. In the result of the foregoing discussion, the case is disposed of with the above conclusion and directions."

159. Insofar as W.A. No.1453/2019 filed by M/s. Mahindra Holidays & Resorts India Limited is concerned, Mr. Gilbert George Correya argued that

the original assignment did not contain any condition prohibiting the assignee from conducting any commercial activities, and therefore, the subsequent purchaser was entitled to utilize the land for conducting commercial activities. However, it is admitted that the Government have produced records before this Court which would show that the land was assigned for cultivation, and therefore, the purchaser is equally liable for the conditions contained in the Order of Assignment/Patta, issued in accordance with Appendix I and II of the Rules, 1964, and the imperative provisions of the Rules, 1964.

160. Insofar as W.A. No.8/2022 filed by the Additional District Magistrate, Idukki and others challenging the judgment of the learned single Judge in W.P.(C) No.1026/2021 dated 05.10.2021 is concerned, it was in regard to the application submitted by the writ petitioner therein under Rule 144 of the Petroleum Rules, 2002, which was rejected by the learned Magistrate stating that the land in question was assigned for special purposes and cannot be used for establishing MS/HSD retail outlet. The paramount contention advanced by the writ petitioner is that the title deeds are conveyed by virtue of the Assignment Order since consideration is accepted by the Government. Further, it was contended that there is no restriction/limitation or condition in the patta, which is a document of title issued by the statutory authority, that the said land cannot be utilised for

any other purpose. In our view, the Order of Assignment and patta are issued with specific conditions as regards assignment of land for cultivation and, therefore, by virtue of the provisions of Kerala Land Assignment Rules, 1964, when the conditions are violated, the authorities are vested with powers to resume the land.

161. It is true that the issue in W.A. No.8/2022 is in respect of the power exercised by the Additional District Magistrate under Rule 144 of the Petroleum Rules, 2002 and whether the land assigned under the rules for cultivation is a subject matter to be considered under Rule 144. Rules 144 and 153(1)(i) and (ii) of the Petroleum Rules, 2002, deal with eligibility for licence and suspension and cancellation of licence respectively. It refers to the site on which petroleum is stored and does include the right to store petroleum on the site. In our view, one can have a right to do something on the land when there is a lawful origin for that right.

162. Here is a case where the site in question was assigned in favour of the original assignee for personal cultivation, and therefore, it cannot be used for any other purpose. Learned single Judge has allowed the writ petition by judgment dated 05.10.2021 on the basis of the decision in **Reliance Industries Ltd. v. Commissioner of Land Revenue** [2007 (2) KLT 850] and held that the authority under Rule 144 of the Petroleum Rules, 2002 is entitled only to act in terms of the provisions of Petroleum

Rules. But, there the question considered was as to whether the KLU order issued under the Essential Commodities Act, 1955 can have an impact in an area covered by the Town Planning Scheme under the Town Planning Act. However, when Rules 144 and 153 of the Petroleum Rules, 2002 are read conjointly, it is clear that the suitability of the site proposed is a matter to be considered by the authority, and therefore, it cannot be said that the stand adopted by the Additional District Magistrate that a "No Objection Certificate" cannot be issued since, the land was assigned to the original assignee for personal cultivation, is bad or illegal.

163. Further, the issue raised in W.A. No.8/2022 was considered by the Hon'ble Apex Court in **C. Albert Morris v. K. Chandrasekaran and Ors.** [(2006) 1 SCC 228] and held as under:

"19. The argument of Mr. L.N. Rao, learned senior counsel appearing for the appellant that the words "right to site" appearing in Rule 153(1) of the Petroleum rules must be given liberal interpretation having regard to the public interest sub-served by the Petrol bunks which are essential for the smooth flow of goods and services as also for the movement of persons. Rule 153(1) (i) of the Petroleum Rules is "right to the site" for storing petroleum. It is not the right for storing petroleum on the site. That is so because that aspect is dealt with specifically in sub-clause (ii) of Rule 153(1) which refers to a no objection certificate, which the District authority or the State Government is required to give. No Objection Certificate which is granted under Rule 144 is the one given by the concerned authority stating that it has no objection for the storage of petroleum on the site after examining the site plan and other relevant factors. The words "right to the site" have, therefore, to be understood as referring to right to the site on which the petroleum is

stored. A person can be said to have a right to something when it is possible to find a lawful origin for that right. A wrong cannot be a right of a person who trespasses on to another's land cannot be said to have a right to the land vis-a-vis the owner because he happens to be in possession of that land. Mere presence on the land by itself does not result in a right to the land. Such presence on the premises may ripen into a right by reason of possession having become adverse to the true owner by reason of the passage of time and possession being open uninterrupted, continuous and in one's own right.

20. In our opinion, any right which the dealer has over his site was the right which he had acquired in terms of the lease. When that lease expired and when the landlord declined to renew the same and also called upon the erstwhile tenant to surrender possession, the erstwhile lessee could no longer assert that he had any right to the site. His continued occupation of something which he had no right to occupy cannot be regarded as a source of a right to the land of which he himself was not in lawful possession. As observed by this Court in the case of **M.C. Chockalingam and Ors. v. V. Manickavasagam and Ors.** (AIR 1974 SC 104), litigious possession cannot be regarded as lawful possession. As rightly pointed out by the Division Bench of the High Court the right referred to in this Rule has necessarily to be regarded as right which is in accordance with law and the right to the site must be one which is capable of being regarded as lawful. We have already referred to **Bhawanji Lakhamsi and Ors. v. Himatlal Jamnadas Dani and Ors.** (AIR 1972 SC 819), wherein this Court held that the act of holding over after the expiration of the term does not create a tenancy of any kind. A new tenancy is created only when the landlord assents to the continuance of the erstwhile tenant or the landlord agrees to accept rent for the continued possession of the land by the erstwhile tenant. The contention of Mr. L.N. Rao that the landlord's assent should be inferred from the conduct of the landlord who had filed the suit for ejection, but did not pursue the same, has no force. This suit was withdrawn with liberty to file a fresh suit on the same cause of action, liberty which the Court has granted. The possession of this site by the erstwhile lessee does not ripen into a lawful possession merely because the landlord did not proceed with the suit for

ejectment at that time, but reserved the right to bring such a suit at a later point of time. That cannot amount to an assent on his part to the continued occupation of the landlord under cover of a right asserted by the erstwhile lessee. The words "right to the site" in Rule 153(1) (i) must, therefore, in our opinion, be given their full meaning and the effect that unless the person seeking a licence is in a position to establish a right to the site, he would not be entitled to hold or have his licence renewed. ...

164. Therefore, we are of the opinion that interference is required with the judgment of the learned single Judge in W.P.(C) No.1026/2021 dated 05.10.2021.

165. Even though the learned counsel for the writ petitioners have advanced arguments that no notice was issued to the quarry operators before the stop memos were issued, we are of the view that no notice is contemplated under the provisions of the Rules, 1964, Special Rules, 1970 and the Special Rules of 1960, but only provides for opportunity of hearing before the cancellation of assignment. That stage has not yet arrived. The stop memos were issued to stop quarrying, by the Tahsildar/District Collector, since it was *prima facie* found that the patta conditions and rules of assignment are violated, by exercising the powers conferred on them under the provisions of Kerala Land Assignment Rules, 1964 and other special rules referred to above. That apart, there is no case for the writ petitioners that the assignment was cancelled, without notice to any of the purchasers of the properties from the assignees.

166. To put it otherwise, when the stop memos were issued, the writ petitioners have approached this Court by filing writ petitions, and therefore, we do not find any force in the said contention also.

167. Going through the provisions of the Rules, 1964 and the other special rules, we are of the clear opinion that the Tahsildar is vested with powers to cancel the Orders of Assignment/Patta, if the rules and conditions in the Order of Assignment/Patta are violated, and therefore, there is no force in the argument advanced by the learned counsel for the writ petitioners/appellants that the Tahsildar/District Collector concerned has no power to issue the stop memos, directing to stop quarrying as per the lease granted under the Kerala Minor Mineral Concession Rules, 2015 or the erstwhile Rules, 1967. When the power to issue assignment is conferred on the Tahsildar, as per the rules, and the Orders of Assignment/Patta are issued by the Tahsildar, he is definitely vested with powers to cancel the same and resume the land. The said power cannot be watered down, merely because lease is granted as per the provisions of the KMMC Rules, 2015 or the erstwhile Rules, 1967.

168. Moreover, we cannot be unmindful of the duty cast upon the State under Part IV of the Constitution of India dealing with Directive Principles of State Policy, and particularly, Article 48A, specifying about protection and improvement of environment and safeguarding of forests

and wildlife, and the fundamental duty to protect and improve the natural environment including forests, lakes, rivers and wildlife and to safeguard public property, under Part IVA.

In the result:

- A) The writ petitions filed by the quarry operators have no legal or factual basis, and therefore, they are liable to be dismissed. Accordingly, we do so, and hold that the action taken by the Tahsildar/District Collector concerned to stop quarrying activities in the assigned lands is in accordance with law. However, such petitioners are allowed to file suitable objections, within one month, if action is initiated, and participate in the proceedings, or as and when any action is initiated by the Revenue authorities for cancellation of Orders of Assignment/Patta.
- B) W.A. Nos.1434/2017, 477/2018, 478/2018, 480/2018, 663/2018, 712/2018, 713/2018 and 714/2018 filed by the State Government and its officials are allowed and the impugned common judgment of the learned single Judge in **Omana's** case (cited supra), in the respective writ petitions, are set aside.
- C) W.A. No. 8/2022 filed by the State and its officials against the judgment of the learned Single Judge in W.P.(C) No.1026/2021 dated 05.10.2021 in regard to the rejection of No-Objection certificate under the provisions of the Petroleum Rules, 2002 is allowed and the impugned judgment is set aside.
- D) In view of the findings rendered above, the reference order made by the learned single Judge dated 12.07.2019 doubting the correctness

of the judgment in **Omana's** case (cited supra) is answered in the affirmative and we hold that the proposition of law laid down in **Omana's** case (cited supra) is not the correct law.

- E) Public Interest writ petitions and other writ petitions filed by the third parties challenging the conduct of quarrying operations in assigned land for special purposes as per the rules specified above, are allowed, in terms of the findings and observations made above, and consequently, there will be a direction to the Revenue authorities to stop the quarrying operations in the assigned lands for specific/special purposes.
- F) W.A. No. 1453/2019 filed by M/s. Mahindra Holidays & Resorts India Limited against the judgment dated 21.05.2019 in W.P.(C) No.36643/2007 is dismissed, affirming the findings of the learned single Judge in the judgment impugned.
- G) W.A. No.1145/2020 filed by the 12th respondent challenging the judgment of the learned single Judge dated 6.8.2020 in W.P.(C) No.24806/2019, is dismissed, and W.A. No.1397/2020 filed against the very same judgment by the petitioner in the writ petition is allowed in terms of the findings rendered as above.
- H) It is made clear that this judgment would apply only to the lands assigned as per the provisions of the Rules, 1964 and the Special Rules referred to above.
- I) We make it further clear that after the resumption of lands, if the Government is notifying the land in respect of the subjacent mineral rights and others by granting exemption from the provisions of the

WP(C). 11249/2010 & other
contd cases.

-.167:-

relevant rules, the findings and observations in this judgment will not stand in the way of the quarry operators making due applications for assignment in accordance with the Act and Rules, and the appropriate authority considering the same, in accordance with law.

Sd/-
S. Manikumar,
Chief Justice

Sd/-
Shaji P. Chaly,
Judge

krj

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P.A. TO C.J.

WP(C). 11249/2010 & other
contd cases.

-:168:-

APPENDIX IN W.P.(C) NO.11249/2010

PETITIONER'S EXHIBITS:-

- P1:- COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 26.05.2008.
- P2:- COPY OF THE REPORT OF THE TAHSILDAR DATED 24.06.2008.
- P3:- COPY OF THE REPORT OF THE RDO DATED 5.8.2008.
- P4:- COPY OF THE REPORT AND MAHAZAR DATED 21.06.2008.
- P5:- COPY OF THE COMMUNICATION BY THE DIRECTOR OF MINING AND GEOLOGY DATED 5.8.2002.
- P6:- COPY OF THE ORDER OF THE DISTRICT COLLECTOR DATED 29.11.2008.
- P7:- COPY OF THE ORDER OF THE LAND REVENUE COMMISSIONER DATED 28.01.2010.
- P8:- COPY OF THE PATTA ISSUED BY THE KALLOOR VILLAGE OFFICER DATED 7.6.1970.

RESPONDENTS' EXHIBITS:-

- R6(A):- COPY OF THE INTERIM ORDER OF THE HON'BLE HIGH COURT OF KERALA IN WP(C) NO.34210/2016 DATED 26.07.2018.
- R6(B):- COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN W.P. (C) NO.644/2017 DATED 25.04.2017.
- R6(C):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN THIRUVANANTHAPURAM DISTRICT.
- R6(D):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN KOLLAM DISTRICT.
- R6(E):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN PATHANAMTHITTA DISTRICT.
- R6(F):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN ALAPPUZHA DISTRICT.
- R6(G):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN KOTTAYAM DISTRICT.
- R6(H):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN IDUKKI DISTRICT.
- R6(I):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN ERNAKULAM DISTRICT.
- R6(J):- COPY SHOWING THE DETAILS OF QUARRIES FUNCTIONING IN THRISSUR DISTRICT.

WP(C). 11249/2010 & other
contd cases.

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|---------|--|---------|----|----------|-------------|----|
| R6(K):- | COPY SHOWING THE PALAKKAD DISTRICT. | DETAILS | OF | QUARRIES | FUNCTIONING | IN |
| R6(L):- | COPY SHOWING THE MALAPPURAM DISTRICT. | DETAILS | OF | QUARRIES | FUNCTIONING | IN |
| R6(M):- | COPY SHOWING THE KOZHIKODE DISTRICT. | DETAILS | OF | QUARRIES | FUNCTIONING | IN |
| R6(N):- | COPY SHOWING THE WAYANAD DISTRICT. | DETAILS | OF | QUARRIES | FUNCTIONING | IN |
| R6(O):- | COPY SHOWING THE KANNUR DISTRICT. | DETAILS | OF | QUARRIES | FUNCTIONING | IN |
| R6(P):- | COPY SHOWING THE KASARAGOD DISTRICT. | DETAILS | OF | QUARRIES | FUNCTIONING | IN |

WP(C). 11249/2010 & other
contd cases.

-:170:-

APPENDIX IN WP(C) NO.26458/2014

PETITIONER EXHIBITS:-

- P1:- COPY OF THE ONE SUCH PATTA ISSUED IN THE NAME OF THE PREDECESSOR OF THE PETITIONER SRI.RAVUNNI DATED 7.6.10.
- P2:- COPY OF THE REPORT OF THE TAHSILDAR MUKUNDAPURAM TALUK OFFICE DATED 24.6.08.
- P3:- COPY OF THE DECISION OF THE THRIKKOOR GRAMA PANCHAYAT DATED 4.7.08.
- P4:- COPY OF THE PROCEEDINGS OF THE SECRETARY OF THE THRIKKOOR GRAMA PANCHAYAT DATED 22.9.09.
- P5:- COPY OF THE CONSENT TO OPERATE ISSUED TO THE PETITIONER BY THE POLLUTION CONTROL BOARD DATED 24.12.13.
- P6:- COPY OF THE PERMISSION GRANTED BY THE EXPLOSIVES DEPARTMENT DATED 12.3.14.
- P7:- COPY OF THE QUARRYING LEASE EXECUTED BY THE PETITIONER DATED 29.7.08.
- P8:- COPY OF THE COMMUNICATION OF THE SECOND RESPONDENT DATED NIL.
- P9:- COPY OF THE ORDER PASSED BY THE THIRD RESPONDENT DATED 27.9.14.
- P10:- COPY OF THE GOVERNMENT ORDER DATED 8.3.2019.

RESPONDENTS' EXHIBITS:- NIL

WP(C). 11249/2010 & other
contd cases.

-.:171:-

APPENDIX IN WP(C) NO.35030/2016

PETITIONERS' EXHIBITS:-

- P1:- COPY OF THE JUDGMENT OF THIS COURT IN WPC NO.20491/2016.
- P2:- COPY OF THE ORDER DATED 01/10/2016 PASSED BY THE 6TH RESPONDENT.
- P3:- COPY OF THE REPRESENTATION DATED 24/10/2016 SUBMITTED TO THE 1ST RESPONDENT.
- P4:- COPY OF THE REPRESENTATION DATED 24/10/2016 SUBMITTED TO THE 2ND RESPONDENT.
- P5:- COPY OF THE REPRESENTATION DATED 24/10/2016 SUBMITTED TO THE 3RD RESPONDENT.
- P6:- COPY OF THE REPRESENTATION DATED 24/10/2016 SUBMITTED TO THE 4TH RESPONDENT.
- P7:- COPY OF THE REPRESENTATION DATED 24/10/2016 SUBMITTED TO THE 5TH RESPONDENT.
- P8:- COPY OF THE REPRESENTATION DATED 24/10/2016 SUBMITTED TO THE 6TH RESPONDENT.
- P9:- COPY OF THE REPRESENTATION DATED 24/10/2016 SUBMITTED TO THE 7TH RESPONDENT.

RESPONDENTS' EXHIBITS/ANNEXURES:-

- ANNEX.- R7(A):- COPY OF THE NOTICE DATED 6.1.2020 ISSUED BY THE GEOLOGIST, THRISSUR WITH ENGLISH TRANSLATION.
- ANNEX.-R7(B):- COPY OF THE COMMUNICATION DATED 12.12.2019 ISSUED BY THE GEOLOGIST, THRISSUR.
- R11(A):- COPY OF THE BASIC-TAX-REGISTER ISSUED FROM THE VILLAGE OFFICE, KURICHIKKARA DATED 23.12.2016.
- R11(A)(1):- TRUE ENGLISH TRANSLATION OF EXT.R11(A).
- R11(B):- COPY OF THE BASICV TAX RECEIPT ISSUED FROM THE VILLAGE OFFICE, KURUCHIKKARA DATED 03.12.2018.
- R11(B)(1):- TRUE ENGLISH TRANSLATION OF EXHIBIT-R11(B).
- R11(C):- COPY OF THE D & O LICENCE ISSUED FROM THE MADAKKATHARA GRAM PANCHAYAT DATED 01.04.2018.
- R11(C)(1):- TRUE ENGLISH TRANSLATION OF EXHIBIT-R11(C).

WP(C). 11249/2010 & other
contd cases.

-.:172:-

- R11(D):- COPY OF THE CONSENT TO OPERATE ISSUED FROM THE KERALA STATE POLLUTION CONTROL BOARD DATED 25.05.2018.
- R11(E):- COPY OF THE DEALERS LICENCE ISSUED BY THE SENIOR GEOLOGIST, DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY, CHEMBUKKAVU, THRISSUR DATED 4.4.2018.
- R14(A):- COPY OF THE TITLE DOCUMENT NO.1639/93 DATED 1.4.93 OF THE SUB REGISTRY, CHALAKKUDY.
- R14(B):- COPY OF THE CONSENT NO.R15TSRCVO1947652 VALID UPTO 30.6.2018 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- R14(C):- COPY OF THE LICENCE NO.A5-115/2016-17 DATED 7.4.2016 VALID UPTO 31.3.2017 ISSUED BY THE KODASSERY GRAMA PANCHAYAT.
- R14(D):- COPY OF THE CERTIFICATE OF REGISTRATION DATED 14.10.2016 VALID UPTO 13.10.2017 ISSUED BY THE 7TH RESPONDENT.
- R14(E):- COPY OF THE DEALER'S LICENCE DATED 14.10.2016 VALID UPTO 13.10.2017 ISSUED BY THE 7TH RESPONDENT.
- R14(F):- COPY OF THE CERTIFICATE OF REGISTRATION DATED 2.4.2016 VALID UPTO 31.3.2017 ISSUED BY THE COMMERCIAL TAX OFFICER, CHALAKUDY.
- R37(A):- COPY OF INTEGRATED CONSENT TO OPERATE AS PER FILE NO.PCB/TSR/IC/1170/08 DATED 13.2.2016 ISSUED BY ENVIRONMENTAL ENGINEER, KSPCB, THRISSUR.
- R37(B):- COPY OF CERTIFICATE OF REGISTRATION NO.27/16-17/JKL/C2/TDO/16 DATED 1.6.2016 ISSUED BY THE DISTRICT GEOLOGIST, THRISSUR.
- R37(C):- COPY OF CERTIFICATE OF DEALER'S LICENCE NO.39/19-17/MM/DL/GA/1996/C2/TDO/16 DATED 1.6.2016 ISSUED BY THE DISTRICT GEOLOGIST.
- R37(D):- COPY OF LICENCE WITH REGISTRATION NO.TCR/12/486/2001 DATED 08.12.2014 ISSUED TO ME BY THE JOINT DIRECTOR OF FACTORIES & BOILDERS, ERNAKULAM.
- R40(A):- COPY OF THE QUARRING LEASE DATED 10.01.2011 VALID TILL 21.02.2021.
- R40(B):- COPY OF THE CERTIFICATE DATED 7.7.2020 ISSUED BY THE VILLAGE OFFICER, OLLUKKARA AND ENGLISH TRANSLATION.

APPENDIX OF WP(C) NO.335/2017

PETITIONER'S EXHIBITS:-

- P1: COPY OF JUDGMENT DATED 13.8.2009 IN WPC NO.9605/2008.
- P2: COPY OF JUDGMENT DATED 29.3.2016 IN WPC NO.619/2016.
- P3: COPY OF REPRESENTATION DATED 16.10.2016 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- P4: COPY OF REPRESENTATION DATED 16.10.2016 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P5: COPY OF REPRESENTATION DATED 16.10.2016 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P6: COPY OF REPRESENTATION DATED 16.10.2016 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS:-

- R8(A): COPY OF THE RELEVANT PAGE OF LEASE DEED EXECUTED BETWEEN THE PETITIONER AND THE STATE GOVERNMENT AND 04.04.2018
- R8(B): COPY OF RELEVANT PAGE OF LEASE DEED EXECUTED BETWEEN THE PETITIONER AND THE STATE GOVERNMENT DATED 18.08.2018
- R5(A): COPY OF THE NOC, DT.1/2/2014 ISSUED BY THE COMPETENT AUTHORITY FOR CONDUCTING QUARRYING IN GOVERNMENT PARA PURAMBOKE.
- R5(B) COPY OF THE PROCEEDINGS DATED 1/4/2014 OF THE DIRECTOR, MINING & GEOLOGY DEPARTMENT RENEWING QUARRYING LEASE.
- R5(C) COPY OF THE RELEVANT PAGE OF LEASE DEED EXECUTED BETWEEN THE PETITIONER AND THE GOVERNOR DATED 2/4/2014.

WP(C). 11249/2010 & other
contd cases.

-:174:-

APPENDIX OF WP(C) NO.12389/2018

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE NOTIFICATION DATED 8-8-1896 UNDER SECTION 18 OF REGULATION 11 OF 1063.
- P2: COPY OF THE COUNTER AFFIDAVIT FILED BY THE VIGILANCE AND ANTI-CORRUPTION BUREAU IN WP(C) NO.17010/2017.
- P3: COPY OF THE REPRESENTATION DATED 25-3-2017 TO THE MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, REGIONAL OFFICE, BANGALORE-34.
- P4: COPY OF THE REPRESENTATION DATED 12-5-2017 TO THE MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, REGIONAL OFFICE, BANGALORE-34.
- P5: COPY OF THE REPRESENTATION DATED 23-10-2017 SUBMITTED TO DIRECTOR GENERAL OF POLICE AND DIRECTOR OF VIGILANCE AND ANTI-CORRUPTION BUREAU.
- P6: COPY OF THE NEWS PAPER REPORT IN TIMES OF INDIA DATED 6-7-2017.

RESPONDENTS' EXHIBITS:-

- R8(A): COPY OF THE NOTIFICATION NO.712/F&MR DATED 05.03.1915 WITH TYPED COPY.
- R8(B): COPY OF THE NOTIFICATION DATED 20.10.1948 PUBLISHED IN THE GOVERNMENT GAZETTE ON 26.10.1948.
- R8(C): COPY OF THE SPECIAL RULES FOR THE ASSIGNMENT OF GOVERNMENT LAND FOR RUBBER CULTIVATION, 1960.
- R8(D): COPY OF THE DECLARATION NO.47378/B1/79 RD DATED 29.08.1979 PUBLISHED IN THE KERALA GAZETTE DATED 25.09.1979 IN PART I PAGES 1 TO 3.

APPENDIX OF WP(C) NO.8244/2019

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE TAX RECEIPT DATED 29/06/2018 ISSUED TO THE PETITIONER.
- P2: COPY OF THE QUARRYING PERMIT DATED 31/10/2018 VALID TILL 30.04.2019 ISSUED TO THE PETITIONER
- P2(A): COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD TO UNDERTAKE QUARRYING ACTIVITIES.
- P2(B): COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD TO OPERATE THE CRUSHER UNIT.
- P2(C): COPY OF THE EXPLOSIVE LICENSE VALID TILL 31/03/2020.
- P2(D): COPY OF THE PANCHAYAT LICENCE TO OPERATE THE QUARRY.
- P2(E): COPY OF THE PANCHAYAT LICENSE TO OPERATE THE CRUSHER UNIT.
- P2(F): COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE ISSUED TO THE PETITIONER.
- P3: COPY OF PATTA NO.6/1988.
- P3(A): COPY OF PATTA NO.7/1988 ALONG WITH THE ORDER OF ASSIGNMENT.
- P3(B): COPY OF PATTA NO.338/88 ALONG WITH THE ORDER OF ASSIGNMENT.
- P4: COPY OF THE LETTER DATED 03/01/2019 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- P5: COPY OF THE STOP MEMO DATED 13.03.2019 WITH NO.L2-54090/17 ISSUED BY THE 2ND RESPONDENT.
- P6: COPY OF THE STOP MEMO DATED 14.03.2019 ISSUED BY THE 3RD RESPONDENT AND SERVED ON THE PETITIONER ON 20.03.2019.
- P7: COPY OF THE ORDER DATED 11.03.2019 ISSUED BY THE ADDL. DIRECTOR OF MINING AND GEOLOGY.

RESPONDENTS' EXHIBITS:-

- R2(A): COPY OF THE NOTIFICATION PUBLISHED IN THE GAZETTE OF TRAVANCORE GOVERNMENT DATED 30.10.1898.
- R2(B): COPY OF THE LETTER ISSUED BY THE DISTRICT COLLECTOR, KOLLAM TO THE PRINCIPAL SECRETARY, REVENUE DATED 29.06.2018 (15.11.2018)
- R2(C): COPY OF THE LETTER ISSUED BY THE GOVERNMENT DATED 16.02.2019.
- R2(D): COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, KOTTARAKKARA DATED 15.12.2017.

WP(C). 11249/2010 & other
contd cases.

-:176:-

- R2(E): COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, KOTTARAKARA DATED 16.06.2018.
- R2(F): COPY OF THE NOTICE DATED 19.12.2018 ISSUED TO THE QUARRY OPERATORS FOR HEARING ON 03.01.2019.
- R2(G): COPY OF THE NOTICE DATED 04.01.2019 FOR HEARING ON 11.01.2019.
- R2(H): COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO M/S. POABS ENTERPRISES PVT. LTD.
- R2(I): COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO ANANTHAPURI.
- R2(J): COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO AKSHAYA GRANITES.
- R2(K): COPY OF THE JUDGMENT IN HARIDAS R. VS. STATE OF KERALA [2016 (5) KHC 615].
- R2(l) TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR QUARRYING LEASE DATED 04.08.2018.

WP(C). 11249/2010 & other
contd cases.

-.:177:-

APPENDIX OF WP(C) NO.8913/2019

PETITIONER'S EXHIBITS:-

- P1 COPY OF THE QUARRYING LEASE DATED 15.03.2017 VALID TILL 14.03.2029 ISSUED TO THE PETITIONER.
- P1(A) COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD TO UNDERTAKE QUARRYING.
- P1(B) COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD TO OPERATE THE CRUSHER UNIT.
- P1(C) COPY OF THE EXPLOSIVE LICENSE VALID TILL 31.03.2021.
- P1(D) COPY OF THE PANCHAYAT LICENSE TO OPERATE THE QUARRY.
- P1(E) COPY OF THE PANCHAYAT LICENSE TO OPERATE THE CRUSHER UNIT.
- P1(F) TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE ISSUED TO THE PETITIONER.
- P2 COPY OF PATTA NO. 62/1989 ALONG WITH THE ORDER ASSIGNMENT.
- P2(A) COPY OF PATTA NO. 647/1988 ALONG WITH THE ORDER OF ASSIGNMENT.
- P2(B) COPY OF PATTA NO. 16/1989 ALONG WITH THE ORDER OF ASSIGNMENT.
- P3 COPY OF THE STOP MEMO DATED 13.03.2019 WITH NO. L2-54090/17 ISSUED BY THE 2ND RESPONDENT.
- P4 COPY OF THE CERTIFICATE DATED 26.12.2011 ISSUED BY THE TAHSILDAR.
- P4(A) COPY OF THE CERTIFICATE DATED 19.05.2014 ISSUED BY THE VILLAGE OFFICER.
- P5 COPY OF THE INTERIM ORDER DATED 19.03.2019 IN WP(C) NO. 8244/2019 ON THE FILES OF THIS COURT.
- P6 COPY OF THE STOP MEMO DATED 14.03.2019 ISSUED BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS:-

- R2(A) COPY OF THE NOTIFICATION PUBLISHED IN THE GAZETTE OF TRAVANCORE GOVERNMENT DATED 30.10.1898.
- R2(B) COPY OF THE LETTER ISSUED BY THE DISTRICT COLLECTOR, KOLLAM TO THE PRINCIPAL SECRETARY, REVENUE DATED 29.06.2018.
- R2(C) COPY OF THE LETTER ISSUED BY THE GOVERNMENT DATED 16.02.2019.

WP(C). 11249/2010 & other
contd cases.

-:178:-

- R2(D) COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, KOTTARAKARA DATED 15.12.2017.
- R2(E) COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, KOTTARAKARA DATED 16.06.2018.
- R2(F) COPY OF THE NOTICE DATED 19.12.2018 ISSUED TO THE QUARRY OPERATORS FOR HEARING ON 03.01.2019.
- R2(G) COPY OF THE NOTICE DATED 04.01.2019 FOR HEARING ON 11.01.2019.
- R2(H) COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO THE M/S. POABS ENTERPRISES PVT.LTD.
- R2(I) COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO THE ANANTHAPURI.
- R2(J) COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO THE ANANTHAPURI.
- R2(K) COPY OF THE JUDGMENT IN HARIDAS R VS. STATE OF KERALA [2016 (5) KHC 615].
- R2(L) COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR QUARRYING LEASE DATED 20.07.2016.

APPENDIX OF WP(C) NO.10754/2019

PETITIONER'S EXHIBITS:-

- P1 COPY OF THE LICENCE NO. 42-1213/14 DATED 27.3.2014 ISSUED BY THE SECRETARY CHITHARA GRAMA PANCHAYAT.
- P2 COPY OF THE CONSENT TO OPERATE NO. PCB/KO/ICO/F/441/2018 DATED 27.6.2018 ISSUED BY THE KERALA POLLUTION CONTROL BOARD.
- P3 COPY OF THE NO OBJECTION CERTIFICATE NO. L2-15789/10 DATED 5.2.2014 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE PETITIONER AND THE EXTENSION ORDER OF THE NOC DATED 14.8.2014.
- P4 COPY OF THE ENVIRONMENTAL CLEARANCE NO. 81/2017 AS PER ORDER NO. 1108/EC/SEIAA/KL/2017 DATED 20.11.2017 ISSUED BY THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY KERALA.
- P5 COPY OF THE LICENCE NO. E/SC/KL/22/1537 (E64133) DATED 21.5.2018 GRANTED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVE, ERNAKULAM TO THE PETITIONER COMPANY.
- P6 COPY OF THE REGISTRATION CERTIFICATE NO.84/2018-19/RMCU/KLM/3745/M3/2018 DATED 27.3.2018 ISSUED BY DIRECTOR OF MINING AND GEOLOGY, THIRUVANANTHAPURAM IN FAVOUR OF THE PETITIONER AND TIS EXTENSION DATED 9.1.2019.
- P7 COPY OF THE LICENCE NO. A2/1216/14 DATED 27.3.2014 ISSUED BY THE SECRETARY, CHITHARA GRAMA PANCHAYAT IN FAVOUR OF THE PETITIONER COMPANY.
- P8 COPY OF THE CONSENT TO OPERATION PCB/KO/CTO/R2/09/2017 DATED 23.10.2017 ISSUED BY THE KERALA POLLUTION CONTROL BOARD.
- P9 COPY OF THE LICENCE AS PER REGISTRATION NO.D03/KUR/III/437/2012 DATED 4.12.2017 ISSUED BY THE DEPARTMENT OF FACTORIES AND BOILERS.
- P10 COPY OF THE NO OBJECTION CERTIFICATE 23.7.2012 WITH COVERING METER DATED 2.11.2010 ISSUED BY THE DISTRICT MEDICAL OFFICER, TO PETITIONER.
- P11 COPY OF THE NO OBJECTION CERTIFICATE DATED 19.7.2012 ISSUED BY THE ASSISTANT DIVISIONAL OFFICER, FIRE AND RESCUE SERVICE, KOLLAM IN FAVOUR OF THE PETITIONER COMPANY.
- P12 COPY OF THE LETTER NO. 11009/M3/2017 DATED 17.10.2018 ISSUED BY THE DIRECTOR OF MINING GEOLOGY, THIRUVANANTHAPURAM AND THE PROCEEDINGS DATED 17.10.2018 OF THE ADDITIONAL DIRECTOR OF MINING AND GEOLOGY IN FAVOUR OF THE PETITIONER COMPANY.
- P13 COPY OF THE QUARRYING LEASE DEED NO. 1187/1/2018 DATED 25.10.2018 EXECUTED BETWEEN THE PETITIONER AND STATE GOVERNMENT.

WP(C). 11249/2010 & other
contd cases.

-:180:-

- P14 COPY OF THE STOP MEMO NO. L-12-54090/17 DATED 13.3.2019 ISSUED BY 2ND RESPONDENT TO THE PETITIONER.
- P15 COPY OF THE STOP NOTICE NO. 970/DOQ/S2/2019 DATED 14.3.2019 ISSUED BY THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY, KOLLAM TO THE PETITIONER.
- P16 COPY OF THE NOTICE NO. 12-54090/17 DATD 19.12.2018 SI SUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P17 COPY OF THE REPRESENTATION DATED 15.3.2019 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P18 COPY OF THE REPORT DATED 21.3.2019 OF THE DIRECTOR OF MINING AND GEOLOGY, THIRUVANANTHAPURAM SUBMITTED BEFORE THE 2ND RESPONDENT.
- P19 COPY OF THE INTERIM ORDER DATED 19.3.2019 IN WPC NO. 8244/2019 OF THE HONBLE HIGH COURT OF KERALA, ERNAKULAM.
- P20 COPY OF THE PATTA IN LA NO. 193/1977 ISSUED IN FAVOUR OF ONE HYDROSE KUNJU BY THE TAHSILDAR, KOTTARAKKARA IN CHITHARA VILLAGE.
- P21 COPY OF THE ORDER G.O.(MS) NO. 95/2019/RD DATED 8.3.2019 ISSUED BY 1ST RESPONDENT.
- P22 COPY OF THE ORDER NO.G.O.(MS) NO.161/09/ID DATED 14.12.2009 ISSUED BY THE 1ST RESPONDENT.
- P23 COPY OF THE PROPOSAL TO START M SAND PRODUCTION IN KOLLAM DISTRICT SUBMITTED BY PETITIONER BEFORE THE RESPONDENTS ON 5.3.2010.
- P24 COPY OF LETTER DATED 23.11.2010 SUBMITTED BY PETITIONER BEFORE THE 2ND RESPONDENT.
- P25 COPY OF THE LETTER NO.D.OQ/S2/818/2010 DATED 21.04.2010 ISSUED BY THE GEOLOGIST, KOLLAM TO THE DISTRICT COLLECTOR, KOLLAM AND ITS ENGLISH TRANSLATION.
- P26 COPY OF ORDER NO.27979/P2/99/RD DATED 5.6.1999 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- P27 COPY OF THE PROCEEDINGS AS PER ORDER NO.C1.R.DIS/12500/99(89) DATED 16.12.1999 OF THE TAHSILDAR, KOTTARAKKARA REGULARIZING THE TRANSFER OF PROPERTY IN FAVOUR OF NABEESATH BEEVI AND ITS ENGLISH TRANSLATION.
- P28 COPY OF THE PROCEEDINGS AS OER ORDER NO.C1.R.DIS/12500/99/(61) DATED 16.12.1999 OF THE TAHSILDAR, KOTTARAKKARA REGULARIZING TRANSFER OF PROPERTY IN FAVOUR OF ISMAIL PILLAI AND ITS ENGLISH TRANSLATION.
- P29 COPY OF THE FORM OF PATTA IN LA. NO.302/1971 DATED 29.04.1972 WITH CONDITIONS IN FAVOUR OF KRISHNAN PADMANABHAN AND ITS ENGLISH TRANSLATION.

WP(C). 11249/2010 & other
contd cases.

-:181:-

- P30 COPY OF THE LETTER NO.B5-11609/17 DATED 22.01.2019 ISSUED BY THE TAHSILDAR, KOTTARAKKARA TO THE DISTRICT COLLECTOR, KOLLAM AND ITS ENGLISH TRANSLATION.
- P31 COPY OF THE ENGLISH TRANSLATION OF THE LETTER NO.B5.11609/17 DATED 16.06.2018 ISSUED BY THE TAHSILDAR, KOTTARAKKARA TO THE DISTRICT COLLECTOR, KOLLAM.
- P32 COPY OF THE ENGLISH TRANSLATION OF THE ORDER NO.L12-54090/17 DATED 29.06.2018 ISSUED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS:-

- R2(A) COPY OF THE NOTIFICATION PUBLISHED IN THE GAZETTE OF TRAVANCORE GOVERNMENT DATED 30.10.1898.
- R2(B) COPY OF THE LETTER ISSUED BY THE DISTRICT COLLECTOR, KOLLAM TO THE PRINCIPAL SECRETARY, REVENUE DATED 29.06.2018.(15.11.2018)
- R2(C) COPY OF THE LETTER ISSUED BY THE GOVERNMENT DATED 16.02.2019.
- R2(D) COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, KOTTARAKARA DATED 15.12.2017.
- R2(E) COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, KOTTARAKARA DATED 16.06.2018.
- R2(F) COPY OF THE NOTICE DATED 19.12.2018 ISSUED TO THE QUARRY OPERATORS FOR HEARING ON 03.01.2019.
- R2(G) COPY OF THE NOTICE DATED 04.01.2019 FOR HEARING ON 11.01.2019.
- R2(H) COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO THE M/S. POABS ENTERPRISES PVT.LTD.
- R2(I) COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO THE ANANTHAPURI.
- R2(J) COPY OF THE STOP MEMO DATED 13.03.2019 ISSUED TO THE ANANTHAPURI.
- R2(K) COPY OF THE JUDGMENT IN HARIDAS R. VS. STATE OF KERALA [2016 (5) KHC 615].
- R2(L) COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR QUARRYING LEASE DATED 16.9.2017

APPENDIX IN WP(C) NO.34020/2019

PETITIONERS' EXHIBITS:

- P1: PHOTOCOPY OF THE PROCEEDINGS OF THE DIRECTOR OF MINING AND GEOLOGY DATED 03.03.2008.
- P2: COPY OF THE LEASE DATED 10.04.2008 EXECUTED BETWEEN THE 9TH RESPONDENT AND THE 7TH RESPONDENT
- P3: PHOTOCOPY OF CONSENT TO OPERATE DATED 06.04.2015 ISSUED BY THE POLLUTION CONTROL BOARD
- P3(A): PHOTOCOPY OF THE COMMUNICATION DATED 19.08.2013 ISSUED BY THE 7TH RESPONDENT TO THE TAHSILDAR,ALUVA
- P4: PHOTOCOPY OF THE COMMUNICATION DATED 26.06.2015 ISSUED BY THE 6TH RESPONDENT
- P5: PHOTOCOPY OF THE COMMUNICATION DATED 01.07.2015 ISSUED BY THE 6TH RESPONDENT TO THE 7TH RESPONDENT
- P6: PHOTOCOPY OF THE PHOTOCOPY OF THE COMMUNICATION DATED 04.07.2015 ISSUED BY THE 7TH RESPONDENT TO THE 6TH RESPONDENT
- P7: PHOTOCOPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN WPC NO.35537 OF 2015 DATED 30.11.2015.
- P8: PHOTOCOPY OF THE PROCEEDINGS DATED 28.12.2015 ISSUED BY THE 7TH RESPONDENT
- P9: PHOTOCOPY OF THE COMMUNICATION DATED 28.03.2016 ISSUED BY THE 7TH RESPONDENT TO THE 9TH RESPONDENT
- P10: PHOTOCOPY OF THE SWORN AFFIDAVIT DATED 15.03.2017 SUBMITTED BY THE 9TH RESPONDENT
- P10(A): PHOTOCOPY OF THE COMMUNICATION DATED 26.07.2017 ISSUED BY THE 7TH RESPONDENT TO THE TAHSILDAR,ALUVA.
- P10(B): PHOTOCOPY OF THE COMMUNICATION DATED 11.08.2017 ISSUED BY THE 7TH RESPONDENT TO THE TAHSILDAR,ALUVA.
- P11: PHOTOCOPY OF THE FORM-1 APPLICATION DATED 09.02.2015 SUBMITTED BY THE 9TH RESPONDENT BEFORE THE 3RD RESPONDENT
- P12: PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 54TH MEETING OF THE 4TH RESPONDENT HELD ON 06/07.04.2016
- P13: PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 62ND MEETING OF THE 4TH RESPONDENT HELD ON 06/07.09.2016
- P13(A): PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 62ND MEETING OF THE 4TH RESPONDENT HELD ON 06/07/07.09.2016

- P14: PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 73RD MEETING OF THE 4TH RESPONDENT HELD ON 30/31.05.2017.
- P14(A): PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 73RD MEETING OF THE 4TH RESPONDENT HELD ON 30/31.05.2017.
- P15: PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 73RD MEETING OF THE 4TH RESPONDENT HELD ON 30/31.05.2017.
- P16: PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 73RD MEETING OF THE 3RD RESPONDENT HELD ON 15.09.2017
- P17: PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 73RD MEETING OF THE 3RD RESPONDENT HELD ON 16.11.2017
- P18: PHOTOCOPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 79TH MEETING OF THE 3RD RESPONDENT HELD ON 09.01.2018
- P19: PHOTOCOPY OF THE MINUTES OF THE 81ST MEETING OF THE 3RD RESPONDENT DATED 08.03.2018
- P20: PHOTOCOPY OF THE ENVIRONMENTAL CLEARANCE NO.759/SEIAA/KL/436/2015 DATED 17.03.2018
- P21: PHOTOCOPY OF THE NOTIFICATION DATED 14.03.2017 ISSUED BY THE MINISTRY OF ENVIRONMENT,FORESTS AND CLIMATE CHANGE
- P22: PHOTOCOPY OF THE OFFICE MEMORANDUM DATED 15.03.2018 ISSUED BY THE CENTRAL GOVERNMENT
- P23: PHOTOCOPY OF THE OFFICE MEMORANDUM DATED 16.03.2018 ISSUED BY THE CENTRAL GOVERNMENT
- P24: PHOTOCOPY OF THE OFFICE MEMORANDUM DATED 30.05.2018 ISSUED BY THE CENTRAL GOVERNMENT
- P25: PHOTOCOPY OF THE COMMUNICATION DATED 23.03.2018 ISSUED BY THE DIRECTOR, MINING AND GEOLOGY DEPARTMENT.
- P26: PHOTOCOPY OF THE OFFICE MEMORANDUM DATED 24.12.2013
- P27: PHOTOCOPY OF THE MINUTES OF THE 3RD MEETING OF THE EXPARTE COMMITTEE.
- P28: PHOTOCOPY OF THE REPRESENTATION PREFERRED BY THE PETITIONERS BEFORE THE RESPONDENTS NOS.2,3 AND 5.
- P29: COPY OF THE ORDER OF RESPONDENTS 5 AND 6 GRANTING LEASE OF THE PROPERTIES DATED 20/2/2019.
- P30: COPY OF THE APPLICATION UNDER RIGHT TO INFORMATION ACT AND REPLY GIVEN BY THE VILLAGE OFFICER DATED 30.01.2019.
- P31: COPY OF THE PATTA BEARING NO.PF.NO.301/94 AND 55/95 DATED 23/12/1994, 5/4/1995 AND 19/5/1995.

WP(C). 11249/2010 & other
contd cases.

-:184:-

P32: COPY OF THE COMPLAINT TO THE DISTRICT COLLECTOR, ERNAKULAM
DATED 1/3/2021.

RESPONDENTS' EXHIBITS:- NIL

APPENDIX OF WP(C) NO.3012/2020

PETITIONER'S EXHIBITS:-

- P1 COPY OF THE ENVIRONMENTAL CLEARANCE OBTAINED BY THE 9TH RESPONDENT DATED 12.03.2015 FROM THE FIRST RESPONDENT.
- P2 COPY OF THE JUDGMENT DATED 01.11.2017 IN WP(C) NO.25565/2017.
- P3 COPY OF THE COUNTER AFFIDAVIT (WITHOUT EXHIBITS) FILED BY THE RANGE FOREST OFFICER, 4TH RESPONDENT IN WP(C) NO.641/2020 DATED 28.01.2010.
- P4 COPY OF THE REPORT GIVEN BY THE 8TH RESPONDENT TO THE 5TH RESPONDENT DATED 07.01.2020.
- P4 A ENGLISH TRANSLATION OF EXT.P4.
- P5 COPY OF THE MASS PETITION FILED BY THE PETITIONER TO THE HON'BLE CHIEF MINISTER OF KERALA DATED 22.10.2019.
- P5 A ENGLISH TRANSLATION OF EXT.P5.

RESPONDENT EXHIBITS:-

- R6(A) COPY OF THE CERTIFICATE ISSUED BY VILLAGE OFFICER, KODASSERY IN FAVOUR OF THE 9TH RESPONDENT ALONG WITH ITS FREE ENGLISH TRANSLATION.
- R6(B) COPY OF THE PROCEEDINGS DATED 30.12.2019 ISSUED BY THE 6TH RESPONDENT TOGETHER WITH FREE ENGLISH TRANSLATION.
- R6(C) COPY OF THE JUDGMENT DATED 6.2.2020 IN WRIT PETITION (CIVIL) NO. 641/2020.
- R10(A) COPY OF COVERING LETTER NO.B7-5397/20 DATED 14/10/2020 ALONG WITH THE SKETCH ISSUED FROM THE TALUK OFFICE, CHALAKKUDY AND TRANSLATION OF THE SAME.
- R10(B) COPY OF LETTER NO.A6-5412/20 DATED 21/01/2021 ISSUED BY THIS RESPONDENT AND TRANSLATION OF THE SAME.

WP(C). 11249/2010 & other
contd cases.

-:186:-

APPENDIX OF WP(C) NO.4070/2020

PETITIONER'S EXHIBITS:-

- P1 COPY OF THE QUARRYING PERMIT ISSUED BY THE COMPETENT AUTHORITY DATED 18-1-2019 AND VALID UPTO 17-1-2020.
- P2 COPY OF CONSENT TO OPERATE ISSUED BY THE POLLUTION CONTROL BOARD, WHICH IS VALID UPTO 20-06-2020.
- P3 COPY OF RELEVANT PAGES OF ENVIRONMENTAL CLEARANCE ISSUED BY THE COMPETENT AUTHORITY, VALID UPTO 31-5-2021.
- P4 COPY OF EXPLOSIVE LICENSE DATED 25-09-2017 AND USE EXPLOSIVES FROM MAGAZINE WITH RESPECT TO THE QUARRY ISSUED BY THE DY. CONTROLLER OF EXPLOSIVES.
- P5 COPY LICENSE ISSUED BY THE AYYAMPUZHA GRAMA PANCHAYAT FOR THE PERIOD UPTO 17-1-2020.
- P6 COPY OF THE ORDER OF THE 1ST RESPONDENT DIRECTING TO STOP THE QUARRYING ACTIVITIES OF THE PETITIONER.
- P7 COPY OF THE STOP MEMO ISSUED BY THE TAHSILDAR DT 22-08-2019.
- P8 COPY OF THE PATTa ISSUED TO THE PREDECESSOR OF THE PETITIONER.
- P9 COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER CERTIFYING THAT THE LAND IN QUESTION WAS NOT ASSIGNED FOR ANY SPECIAL PURPOSE IN THE YEAR 2017.
- P10 COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER CERTIFYING THAT THE LAND IN QUESTION WAS NOT ASSIGNED FOR ANY SPECIAL PURPOSE IN THE YEAR 2018.
- P11 COPY OF THE JUDGMENT DT. 30-10-2019 PASSED BY THE HON'BLE HIGH COURT OF KERALA IN WP(C) NO. 9403/2019.
- P12 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE VILLAGE OFFICER DATED 2-1-2020.
- P13 COPY OF THE JUDGMENT DATED 12.7.2019 IN W.P.(C) NO.8244/2019 OF THIS HON'BLE COURT.
- P13 COPY OF THE APPLICATION UNDER RIGHT TO INFORMATION ACT DATED 27.02.2020 MADE BY SRI. BABY P.C., ANAPARA.
- P14 COPY OF THE RESPONSE OF RESPONDENT NO.3 DATED 13.03.2020 TO THE APPLICATION BY SRI.BABY P.C.

RESPONDENTS' EXHIBITS:-NIL

WP(C). 11249/2010 & other
contd cases.

-:187:-

APPENDIX IN WP(C) NO.11627/2020

PETITIONER'S EXHIBITS:-

- P1 COPY OF THE ASSIGNMENT DETAILS OF THE LAND HELD BY THE PETITIONER.
- P2 COPY OF THE NON-ASSIGNMENT CERTIFICATE ISSUED BY THE VILLAGE OFFICER, CHITHARA DATED 23.08.2017.
- P3 COPY OF THE LETTER NO.2241/DOQ/S2/2017 ISSUED BY THE DISTRICT GEOLOGIST, KOLLAM, DATED 01.11.2017.
- P4 COPY OF THE LETTER NO.9938/M3/2017 SENT BY THE DIRECTOR OF MINING AND GEOLOGY TO THE TAHSILDAR, KOTTARAKKARA DATED 17.11.2017.
- P5 COPY OF THE LETTER SENT BY THE TAHSILDAR, TO THE DIRECTOR OF MINING AND GEOLOGY DATED 05.12.2017.
- P6 COPY OF THE COMMUNICATION ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY TO THE PETITIONER DATED 06.03.2018.
- P7 COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, KOLLAM DATED 06.03.2019.
- P8 COPY OF THE REFERENCE ORDER ISSUED BY THIS HON'BLE COURT IN WPC NO.8244/2019 DATED 12.07.2019.
- P9 COPY OF THE LETTER ISSUED BY THE DISTRICT GEOLOGIST, KOLLAM DATED 10.12.2019.
- P10 COPY OF THE LETTER OF INTENT NO.9938/M3/2017 DATED 25.07.2019 ISSUED BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS/ANNEXURES:

- R2(A) COPY OF THE FOREST NOTIFICATION DATED 30/10/1898.
- R2(B) COPY OF THE COMMUNICATION DATED 29/06/2018 ISSUED BY THE 2ND RESPONDENT.
- R2(C) COPY OF THE COMMUNICATION DATED 16.02.2019 ISSUED BY THE GOVERNMENT IN RESPONSE TO ANN.R2(B).
- R2(D) COPY OF THE REPORT DATED 15/12/2017 SUBMITTED BY THE TAHSILDAR, KOTTARAKARA.
- R2(E) COPY OF THE REPORT DATED 16/06/2018 SUBMITTED BY THE TAHSILDAR, KOTTARAKARA.
- R2(F) COPY OF THE NOTICE DATED 19/12/2018.
- R2(G) COPY OF THE NOTICE DATED 04/01/2019.
- R2(H) COPY OF THE COMMUNICATION DATED 26/11/2019 ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

WP(C). 11249/2010 & other
contd cases.

-:188:-

- R4(A) COPY OF LETTER OF INTENT DATED 2.8.2019 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- R4(B) COPY OF THE COMMUNICATION DATED 13.03.2019 ISSUED BY THE 2ND RESPONDENT.
- R4(C) COPY OF THE COMMUNICATION DATED 26.11.2019 ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.
- R4(D) COPY OF COMMUNICATION DATED 08/11/2017 ISSUED BY THE TAHSILDAR, KOTTARAKKARA.
- R4(E) COPY OF THE COMMON JUDGMENT DATED 09/10/2018 IN W.P(C) NO.39248/16.
- R4(F) COPY OF INTERIM ORDER DATED 30.01.2018 IN W.A. NO.260/2018.

WP(C). 11249/2010 & other
contd cases.

-:189:-

APPENDIX IN WP(C) NO. 17240/2020

PETITIONER'S EXHIBITS:-

- P1 COPY OF THE TAX RECEIPT ISSUED UNDER LAND TAX CT IN THE NAME OF THE PETITIONER.
- P2 COPY OF THE PATTA DATED 05/09/1973 BEARING NO. 200/1972 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. MARY THOMAS.
- P3 COPY OF THE PATTA DATED 05/09/1973 BEARING NO. 201/1972 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. SELINA JACOB.
- P4 COPY OF THE PATTA DATED 28/01/1974 BEARING NO. LAP 2/1974 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. P.T. KURIAN.
- P5 COPY OF THE PATTA DATED 03/01/1974 BEARING NO. LAP1/1974 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. M.A. WAHABKHAN.
- P6 COPY OF THE PATTA DATED 18/02.1971 BEARING NO. 64/1970 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. FRANCIS S/O. KUTTOOR LONA.
- P7 COPY OF THE PATTA DATED 28/03/1972 BEARING NO. 102/1972 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. FRANCIS, S/O. PUTHUKARA LONAPPAN PANAGATTUKARA.
- P8 COPY OF THE PATTA DATED 19/05/1972 BEARING NO. 71/1970 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. CHAKKAPPAN, S/O. KUTHUR LONA PANAGATTUKARA.
- P9 COPY OF THE PATTA DATED 28/11/1970 BEARING NO. 139/1970 BY THE SPECIAL THASILDAR (LAND ASSIGNMENT THALAPPALLY, ISSUED IN FAVOUR SRI. KARAPPAN, S/O. ELLIKETTIL KONAN.
- P10 COPY OF THE NON ASSIGNMENT CERTIFICATE DATED 12/03/2018, BEARING NO. 301/2018 ISSUED BY THE VILLAGE OFFICER IN RESPECT OF THE EXHIBIT P1 LAND.
- P11 COPY OF THE SURVEY SKETCH IN RESPECT OF THE PROPOSED QUARRY IN EXHIBIT P1 LAND.
- P12 COPY OF THE QUERRY DATED 01/09/2018, BEARING NO. A7-12475/2018 PUT BY THE THASILDAR TO THE VILLAGE OFFICER.
- P13 COPY OF THE LETTER BEARING NO. 261/18 DATED 05/11/2018 BY WHICH VILLAGE OFFICER RESPONDENT TO EXHIBIT P12.

WP(C). 11249/2010 & other
contd cases.

-:190:-

- P14 COPY OF THE LETTER DATED 16/11/2018 BEARING NO. A7/12475/2018 ISSUED TO THE VILLAGE OFFICER BY THE RESPONDENT.
- P15 COPY OF THE LETTER DATED 23/11/2018 BY WHICH THE VILLAGE OFFICER HAD RESPONDED TO EXHIBIT P14.
- P16 COPY OF THE LETTER OF REFUSAL BEARING NO. 12475/2018 DATED 28/11/2018 ISSUED BY THE RESPONDENT.
- P17 COPY OF THE JUDGMENT IN WPC NO. 39411/2018.
- P18 COPY OF THE LETTER DATED 24/02/2020 BEARING NO. 789/C2/TDO/2020 ISSUED BY THE DISTRICT GEOLOGIST, THRISSUR TO THE PETITIONER.
- P19 COPY OF THE APPLICATION DATED 26/02/2020 SUBMITTED TO THE SECRETARY REVENUE DEPARTMENT BY THE PETITIONER.
- P20 COPY OF THE REQUEST MADE BY THE PETITIONER TO THE RESPONDENT.
- P21 COPY OF THE COMMUNICATION OF REFUSAL, BY THE RESPONDENT DATED 12/06/2020 TO THE PETITIONER.
- P22 COPY OF THE LETTER DATED 15/02/2020 BY THE PRINCIPAL SECRETARY TO REVENUE DEPARTMENT REFERRED TO IN EXHIBIT P21.
- P23 THE INFORMATION RECEIVED BY THE PETITIONER REGARDING THAT THERE IS NO BAR IN SANCTIONING QUARRY LEASE IN A LAND ASSIGNED UNDER RULE 9 OF HE KERALA LAND ASSIGNMENT RULES. (RELEVANT PAGES)

RESPONDENT'S EXHIBITS:-

- R1(A) COPY OF THE JUDGMENT DATED 24.07.2019.
- R1(B) COPY OF THE LETTER NO.REV-P2/20/2020-REV DATED 15.02.2020.
- R1(C) COPY OF THE LETTER NO.REV-P2/10/20/2020-REFV DATED 15.2.2020.

WP(C). 11249/2010 & other
contd cases.

-.:191:-

APPENDIX IN WP(C) NO.8203/2021

PETITIONER EXHIBITS:-

- P1: COPY OF PATTA NUMBER PF NO.301/94 DATED 23/12/1994.
- P2: COPY OF PATTA NUMBER PF 36/95 WAS ISSUED TO LISSI W/O.THOMAS, KOLATTUKUDI, MANJAPPRA.
- P3: COPY OF SALE DEED NO.2061 OF 2006 OF 2006 OF THE ANGAMALY SRO.
- P4: COPY OF SALE DEED NO.3772 OF 206 OF THE ANGAMALY SRO.
- P5: COPY OF QUARRYING LEASE DATED 10/3/2008 OBTAINED BY THE PETITIONER FROM THE 1ST RESPONDENT.
- P6: COPY OF NO OBJECTION CERTIFICATE (NOC) DATED 17/11/2007 ISSUED BY THE TAHASILDAR, ALUVA.
- P7: COPY OF ENVIRONMENTAL CLEARANCE OBTAINED BY THE PETITIONER FROM THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY.
- P8: COPY OF CONSENT VARIATION ORDER DATED 27/08/2018 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- P9: COPY OF LICENSE UNDER THE EXPLOSIVES RULES, 2008 OBTAINED BY THE PETITIONER.
- P10: COPY OF LETTER OF INTENT TO GRANT QUARRYING LEASE DATED 03/12/2019 ISSUED BY THE 4TH RESPONDENT.
- P11: COPY OF PROCEEDINGS NO.70/2020-21/11265/M3/2019/DMG DATED 01/06/2020 OF THE 4TH RESPONDENT.
- P12: COPY OF TRADE LICENSE DATED 04/05/2020 ISSUED BY THE AYYAMPUZHA GRAMA PANCHAYAT.
- P13: COPY OF QUARRYING LEASE EXECUTED ON 03/06/2020 BETWEEN THE PETITIONER AND THE 1ST RESPONDENT.
- P14: COPY OF MOVEMENT PERMIT DATED 29/06/2020 ISSUED TO THE PETITIONER.
- P15: COPY OF ORDER DATED 05/03/2021 ISSUED BY THE 2ND RESPONDENT OBTAINED UNDER THE RIGHT TO INFORMATION ACT, 2005.

RESPONDENTS' EXHIBITS/ANNEXURES:

- R5(A): COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 30.07.2021.
- R5(B): COPY OF THE STOP MEMO DATED 4.8.2021 ISSUED BY THE 4TH RESPONDENT.

WP(C). 11249/2010 & other
contd cases.

-:192:-

APPENDIX IN WP(C) NO.16223/2021

PETITIONER'S EXHIBITS:-

- P1 COPY OF POSSESSION CERTIFICATE OBTAINED BY THE PETITIONER DATED 28.11.2019.
- P2 COPY OF ENVIRONMENT CLEARANCE NO.41/2018 DATED 17.03.2018 ISSUED BY THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY KERALA.
- P3 COPY OF THE CONSENT TO OPERATE OBTAINED FROM THE POLLUTION CONTROL BOARD DATED 06.04.2015.
- P4 COPY OF THE LICENSE ISSUED BY THE AYYAMPUZHA GRAMA PANCHAYATH DATED 04.05.2020.
- P5 COPY OF THE ORDER OF DIRECTOR OF MINING AND GEOLOGY DATED 01.06.2020.
- P6 COPY OF QUARRYING LEASE NO.70/2020-21/11265/M3/2019/DMG DATED 01.06.2020.
- P7 COPY OF THE DECISION REPORTED IN 2017(2) KHC 911.
- P8 COPY OF THE LETTER ISSUED BY THE TAHSILDAR DATED 04.08.2021.
- P9 COPY OF THE APPENDIX I FORM OF ORDER OF ASSIGNMENT OF REGISTRY UNDER LAND ASSIGNMENT RULE 1964 BEFORE 2018 AMENDMENT.
- P10 COPY OF THE REPLY GIVEN BY THE PETITIONER TO THE TAHSILDAR DATED 04.08.2021.
- P11 COPY OF THE BASIC TAX RECEIPT DATED 15.06.2020 ISSUED BY THE VILLAGE OFFICER, AYYAMPUZHA.

RESPONDENTS' EXHIBITS:-

- R4(A) COPY OF THE RTI QUERY DATED 17-06-2021 SUBMITTED BY THE PETITIONER BEFORE THE TALUK OFFICE, ALUVA.
- R4(B) COPY OF THE RTI QUERY DATED 17.06.2021 SUBMITTED BY THE PETITIONER BEFORE THE VILLAGE OFFICE, AYYAMPUZHA.
- R4(C) COPY OF THE REPLY DATED 20.07.2021 ISSUED BY THE TALUK OFFICE, ALUVA.
- R4(D) COPY OF THE REPLY DATED 20.07.2021 ISSUED BY THE VILLAGE OFFICE, AYYAMPUZHA.

APPENDIX IN WP(C) NO.16880/2021

PETITIONER EXHIBITS:-

- P1: COPY OF PATTAYAM BEARING NO. PF 36/95 DATED 05/04/1995 WITH REGARD TO 164 CENTS OF LAND COMPRISED IN SY. NO.194/2 IN BLOCK NO. 19 OF THE AYYAMPUZHA VILLAGE ASSIGNED TO LISSY, W/O. THOMAS, KOLATTUKUDY, MANJAPRA, OBTAINED BY THE PETITIONER UNDER RTI ACT.
- P2: COPY OF THE PATTAYAM BEARING NO. PF 55/1995 DATED 19/05/1995 WITH REGARD TO 32 ARES COMPRISED IN SY. NO.200/1 PT. IN BLOCK NO.19 OF THE AYYAMPUZHA VILLAGE, ASSIGNED TO CHACKO, S/O. PAULO, CHAKKIATHMOODA OBTAINED BY THE PETITIONER UNDER RTI ACT.
- P3: COPY OF THE PATTAYAM BEARING NO. PF 56/1995 DATED 19/05/1995 WITH REGARD TO 23.5 ARES LAND COMPRISED IN SY. NO164 PT. IN BLOCK NO.19 OF THE AYYAMPUZHA VILLAGE, ASSIGNED TO CHACKO, S/O. PAULO, CHAKKIATHMOODA OBTAINED BY THE PETITIONER UNDER RTI ACT.
- P4: COPY OF PATTAYAMS BEARING NO. PF 301/1994 DATED 23/12/1994 WITH REGARD TO 63015 ARES OF LAND COMPRISED IN SY NO.164PT. INBLOCK NO. 19 OF THE AYYAMPUZHA VILLAGE ASSIGNED TO THOMAS, S/O. DEVASSI, KOLAKKATTUKUZHUY HOUSE OBTAINED BY PETITIONER UNDER THE RTI ACT.
- P5: COPY OF THE REPORT DATED 13/01/2021 OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.
- P6: COPY OF THE FALSE CERTIFICATE DATED 24/04/2018 ISSUED BY THE 5TH RESPONDENT.
- P7: COPY OF THE MINING LEASE EXECUTED ON 17/06/2020 WITH REGARD TO THE LANDS COVERED BY EXT.P1 TO P4.
- P8: COPY OF THE ORDER DATED 19/10/2020 ISSUED BY THE 1ST RESPONDENT WITHOUT ENCLOSURE.

RESPONDENTS' EXHIBITS:-

- R6(A): COPY OF NO OBJECTION CERTIFICATE DATED 17.11.2007 ISSUED BY THE 4TH RESPONDENT TO THE 6TH RESPONDENT FOR ISSUANCE OF QUARRYING LEASE.
- R6(B): COPY OF QUARRYING LEASE DATED 10.03.2008 EXECUTED BETWEEN STATE GOVERNMENT WITH SRI. JOJI P.L.
- R6(C): COPY OF ENVIRONMENTAL CLEARANCE OBTAINED BY THE 6TH RESPONDENT FROMTHE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY ON 17.03.2018.
- R6(D): COPY OF CONSENT VARIATION ORDER DATED 27.08.2018 ISSUED BY KERALA

WP(C). 11249/2010 & other
contd cases.

-.194:-

STATE POLLUTION CONTROL BOARD, VALID UPTO 8.9.2022.

- R6(E): COPY OF LICENCE UNDER THE EXPLOSIVES RULES, 2008 OBTAINED BY THE 6TH RESPONDENT.
- R6(F): COPY OF LETTER OF INTENT ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY.
- R6(G): COPY OF PROCEEDINGS NO.70/2020-21/11265/M3/2019/DMG DATED 01-06-2020 OF THE DIRECTOR OF MINING AND GEOLOGY.
- R6(H): COPY OF THE TRADE LICENCE ISSUED BY THE AYYAMPUZHA GRAMA PANCHAYAT.
- R6(I): COPY OF QUARRYING LEASE EXECUTED BETWEEN M/S. STAR GRANITES AND THE STATE OF KERALA ON 03.06.2020.
- R6(J): COPY OF MOVEMENT PERMIT ISSUED TO THE 6TH RESPONDENT ON 29.06-2020.
- R6(K): COPY OF MOVEMENT PERMIT ISSUED TO THE 6THRESPONDENT ON 01-04-2021.
- R6(L): COPY OF QUARRYING PERMIT DATED 01-10-2014 ISSUED TO THE PETITIONER.
- R6(M): COPY OF LICENCE OBTAINED BY THE PETITIONER UNDER THE EXPLOSIVE RULES, 2008 DATED 11-06-2004 WHICH WAS VALID TILL 31-03-2006.
- R6(N): COPY OF RENEWED LICENCE DATED 26-03-2012 AND VALID TILL 31.03.2017 ISSUED TOT HE PETITIONER.
- R6(O): COPY OF CONSENT VARIATION ORDER ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THE PETITIONER DATED 13-09-2013 WHICH WAS VALID UPTO 03-09-2014.
- R6(P): COPY OF QUARRYING PERMIT DATED 04-09-2013 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER, HAVING VAILIDITY UNTIL 03-09-2014.
- R6(Q): COPY OF TRADE LICENCE ISSUED ON 09-10-2013, BYTHE AYYAMPUZHA GRAMA PANCHAYAT IN FAVOUR OF THE PETITIONER.

WP(C). 11249/2010 & other
contd cases.

-:195:-

APPENDIX IN WP(C) NO.18523/2021

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE QUARRYING LEASE DATED 4.4.2018.
- P2: COPY OF THE PROCEEDINGS OF THE DIRECTOR OF MINING AND GEOLOGY DATED 3.3.2018.
- P3: COPY OF THE REGISTRATION CERTIFICATE DATED 9.3.2021 ISSUED BY THE DIRECTOR OF MINING AD GEOLOGY.
- P4: COPY OF THE LETTER ISSUED BY THE TAHSILDAR TO THE PETITIONER DATED 4.8.2021.
- P5: COPY OF THE APPENDIX I FORM OF ORDER OF ASSIGNMENT ON REGISTRY UNDER LAND ASSIGNMENT RULES 1964 BEFORE 2018 AMENDMENT.
- P6: COPY OF THE BASIC TAX RECEIPT ISSUED TO THE PETITIONER BY THE VILLAGE OFFICER DATED 14/01/2020.
- P7: COPY OF THE BASIC TAX RECEIPT ISSUED TO THE PETITIONER BY THE VILLAGE OFFICER DATED 15/01/2020.
- P8: COPY OF THE POSSESSION CERTIFICATE DATED 14/02/2019 ISSUED BY THE VILLAGE OFFICER.
- P9: COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, AYYAMPUZHA VILLAGE DATED 22.01.2020.
- P10: COPY OF PATTA NO.160/86 DATED 03.11.1986.
- P10(A): COPY OF PATTA NO.166/86 DATED 03.11.1986.
- P10(B): COPY OF PATTA NO.159/86 DATED 03.11.1986.
- P10(C): COPY OF PATTA NO.194/94 DATED 05.08.1994.
- P10(D): COPY OF PATTA NO.297/90 DATED 19.12.1990.
- P11: COPY OF THE CASE STATUS OF W.A. NO.480/2018.
- P12: COPY OF THE JUDGMENT IN WP(C) NO.17285/2021 DATED 02.09.2021.

RESPONDENTS' EXHIBITS: NIL

WP(C). 11249/2010 & other
contd cases.

-:196:-

APPENDIX IN WP(C) NO.25475/2021

PETITIONERS' EXHIBITS:-

- P1: COPY OF THE FORM OF PATTI DATED 10-12-1962 ALONG WITH THE FORM OF ORDER OF ASSIGNMENT ON REGISTRY ISSUED TO 2ND PETITIONER'S PREDECESSOR IN INTEREST.
- P2: COPY OF THE QUARRYING PERMIT DATED 29-07-2019 VALID TILL 28-07-2020 ISSUED BY THE 3RD RESPONDENT.
- P2(A): COPY OF THE CONSENT TO OPERATE DATED 14-05-2018 VALID TILL 18-03-2021 ISSUED BY THE POLLUTION CONTROL BOARD.
- P2(B): COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO. 14/2018 DATED 19-03-2018 VALID TILL 19-03-2021 ISSUED BY THE DEIAA, ERNAKULAM.
- P2(C): COPY OF THE TRADE LICENSE DATED 01-04-2020 VALID TILL 28-07-2020 ISSUED BY THE PAYIPRA PANCHAYAT
- P3: COPY OF THE LETTER DATED 18-12-2020 ISSUED BY THE TAHSILDHAR, MUVATTUPUZHA TO THE 4TH RESPONDENT.
- P4: COPY OF THE LETTER DATED 20-01-2021 ISSUED BY THE 4TH RESPONDENT TO THE TAHSILDHAR, MUVATTUPUZHA
- P5: COPY OF THE NON-ASSIGNMENT CERTIFICATE DATED 17-04-2021 BEARING NO. 101/21(2) ISSUED BY THE 5TH RESPONDENT
- P6: COPY OF THE JUDGMENT DATED 24-09-2021 IN WP(C) NO. 5602/2021 ON THE FILES OF THIS HON'BLE COURT.
- P7: COPY OF THE ORDER DATED 06-11-2021 BEARING NO. 187/21-22/DOE/524/E2/21 ISSUED BY THE 3RD RESPONDENT
- P8: COPY OF THE ORDER DATED 26-07-2018 IN WP(C) NO. 34210/2016 ON THE FILES OF THIS HON'BLE COURT.

RESPONDENTS' EXHIBITS:

ANNEX.-R4(A): COPY OF THE LETTER ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM TO THE GEOLOGIST, ERNAKULAM DATED 28.07.2021.

APPENDIX IN WP(C) NO. 25917/2021

PETITIONER'S EXHIBITS:-

- P1: COPY OF CERTIFICATE OF REGISTRATION OF TRADE MARK NO.1273573 DATED 18.3.2004 ISSUED BY REGISTRAR TRADE MARKS TO PETITIONER COMPANY.
- P2: COPY OF SALE DEED NO.1116/11 DATED 26.4.2011 OF S.R.O., ANGAMALY EXECUTED BETWEEN M/S.RDS PROJECT LIMITED AND PETITIONER COMPANY.
- P3: COPY OF SALE DEED NO.2232/11 DATED 29.7.2011 OF S.R.O., ANGAMALY EXECUTED BETWEEN M/S.RDS PROJECT LIMITED AND PETITIONER COMPANY.
- P4: COPY OF POSSESSION CERTIFICATE OF THE SAID PROPERTIES DATED 9.8.2021 ISSUED BY THE VILLAGE OFFICER, AYYAMPUZHA IN FAVOUR OF THE PETITIONER COMPANY.
- P5: COPY OF LAND REVENUE TAX RECEIPT DATED 7.8.2021 ISSUED BY THE VILLAGE OFFICER, AYYAMPUZHA IN RESPECT OF THE PROPERTIES OF THE PETITIONER.
- P6: COPY OF ORDER NO.09/2019-20/633/M3/2019/DMG DATED 5.4.2019 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT TO PETITIONER COMPANY.
- P7: COPY OF COMMUNICATION NO.633/M3/2019 DATED 5.4.2019 ISSUED BY 2ND RESPONDENT TO THE PETITIONER.
- P8: COPY OF QUARRYING LEASE NO.1070/19 DATED 12.4.2019 EXECUTED BY THE GOVERNMENT OF KERALA AND PETITIONER.
- P9: COPY OF ENVIRONMENTAL CERTIFICATE NO.36/2018 AS PER ORDER NO.961/SEIAA/EC3/4471/2015 DATED 17.3.2018 ISSUED BY THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, KERALA TO PETITIONER COMPANY.
- P10: COPY OF EXPLOSIVE LICENCE NO.E/SC/KL/22/368 (E11870) DATED 27.2.2020 ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVE, ERNAKULAM WHICH IS AMENDED FROM TIME TO TIME AND RENEWED UPTO 31.3.2025.
- P11: COPY OF LICENCE NO.D10/AWY/03/915/2015 DATED 25.11.2020 ISSUED BY THE DEPARTMENT OF FACTORIES AND BOILERS WHICH IS VALID UPTO 31.12.2023 TO PETITIONER COMPANY.
- P12: COPY OF APPROVAL OF ECO-FRIENDLY PLAN AS PER ORDER NO.DOE/444/E2/2019 DATED 26.3.2019 APPROVED BY THE GEOLOGIST, DEPARTMENT OF MINING & GEOLOGY, ERNAKULAM FOR A PERIOD OF 5 YEARS.
- P13: COPY OF INTEGRATED CONSENT TO OPERATIVE-RENEWAL ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO OPERATE THE CRUSHER UNIT TO THE PETITIONER COMPANY AS PER CONSENT NO.R15ERRCTO621252 DATED 17.7.2018 WHICH IS VALID UPTO 30.6.2023.

WP(C). 11249/2010 & other
contd cases.

-:198:-

- P14: COPY OF CONSENT TO OPERATE/AUTHORIZATION/REGISTRATION TO OPERATE THE CRUSHER UNIT OF THE PETITIONER COMPANY ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD AS PER CONSENT NO.O19ERRCTO560666 DATED 5.3.2019 WHICH IS VALID UPTO 16.3.2023.
- P15: COPY OF LICENCE NO.A4-328/2019-20-9 DATED 27.3.2019 ISSUED BY AYYAMPUZHA GRAMA PANCHAYAT TO PETITIONER COMPANY WHICH IS VALID UPTO 31.3.2024.
- P16: COPY OF LICENCE NO.A4-327/2019-20-10 DATED 27.3.2019 ISSUED BY THE AYYAMPUZHA GRAMA PANCHAYAT TO THE PETITIONER COMPANY FOR OPERATING THE METAL CRUSHER UNIT FOR A PERIOD OF 5 YEARS.
- P17: COPY OF ORDER NO.3156/M3/2021 DATED 5.3.2021 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER COMPANY.
- P17(A): COPY OF FORM L REGISTRATION CERTIFICATE NO.12/2021-22/RMCU/EKM/3156/M3/2021 DATED 5.3.2021 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER COMPANY.
- P17(B): COPY OF CERTIFICATE OF THE CONSOLIDATED ROYALTY PAYABLE FOR RS.16,00,000/- FOR THE PERIOD FROM 1.4.2021 TO 31.3.2022 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P18: COPY OF SURVEY MAP ISSUED BY THE TALUK SURVEYOR, ALUVA IN RESPECT OF THE PETITIONER'S LAND.
- P19: COPY OF CERTIFICATE DATED 17.12.2018 ISSUED BY THE VILLAGE OFFICER IN FAVOUR OF THE PETITIONER.
- P20: COPY OF ORDER NO.L5-378707/2020 DATED 30.7.2021 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.
- P21: COPY OF LETTER NO.176/2021 DATED 4.8.2021 ISSUED BY THE VILLAGE OFFICER, AYYAMPUZHA THE PETITIONER.
- P22: COPY OF REPLY DATED 5.8.2021 SUBMITTED BY THE PETITIONER BEFORE THE VILLAGE OFFICER, AYYAMPUZHA.
- P23: COPY OF ORDER NO.C.1-5872/21 DATED 5.8.2021 BY THE 4TH RESPONDENT TO THE PETITIONER.
- P24: COPY OF SHOW CAUSE NOTICE NO.DOE/1576/13 DATED 20.06.2013 TO PETITIONER WITH RESPECT TO 3 QUARRY LEASE.
- P25: COPY OF JUDGMENT IN WP(C) NO.22525 OF 2013 DATED 06.11.2014 OF THE HON'BLE HIGH COURT OF KERALA.
- P26: COPY OF JUDGMENT IN WP(C) NO.18438 OF 2013 DATED 2.11.2020 OF THE HON'BLE HIGH COURT OF KERALA.
- P27: COPY OF JUDGMENT IN W.A.NO.1164/2010 DATED 01.12.2010 OF THE HON'BLE HIGH COURT OF KERALA.

WP(C). 11249/2010 & other
contd cases.

-.:199:-

- P28: COPY OF ORDER IN S.L.P. CC NO.20120/2011 OF THE HON'BLE SUPREME COURT DATED 9.12.2011.
- P29: COPY OF JUDGMENT IN WP(C) NO.20532 OF 2010 DATED 25.4.2017 OF THE HON'BLE HIGH COURT OF KERALA.
- P30: COPY OF ORDER G.O.(MS) NO.95/2019/RD DATED 8.3.2019 ISSUED BY THE 1ST RESPONDENT.
- P31: COPY OF JUDGMENT IN WP(C) NO.17285/2021 DATED 2.9.2021 OF THE HON'BLE HIGH COURT OF KERALA.
- P32: COPY OF NOTICE NO.C1-5872/2021 DATED 31.8.2021 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- P33: COPY OF THE OBJECTION WITHOUT ANNEXURES DATED 6.9.2021 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- P34: COPY OF REQUEST DATED 28.9.2021 SUBMITTED BY THE PETITIONER BEFORE THE 3RD AND 4TH RESPONDENTS.
- P35: COPY OF THE COUNTER AFFIDAVIT FILED BY THE 6TH RESPONDENT WITHOUT EXHIBITS DATED 28.9.2021 IN WP(C) NO.335/2017.
- P36: COPY OF ORDER NO.C1-5872/21 DATED 8.11.2021 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- P37: COPY OF THE CONDITIONS OF ASSIGNMENT OF REGISTRY BEFORE 2005.

RESPONDENTS' EXHIBITS:- NIL

WP(C). 11249/2010 & other
contd cases.

-:200:-

APPENDIX OF WP(C) NO.17010/2017

PETITIONER'S EXHIBITS:

- P1: COPY OF THE NOTIFICATION OF REGULATION 11 OF 1068 OF THE DIWAN OF TRAVANCORE.
- P2: COPY OF THE RULE OF ASSIGNMENT OF GOVERNMENT LANDS FOR RUBBER CULTIVATION, 1960.
- P3: COPY OF THE FORM OF ORDER OF GOVT LAND ON LICENSE FOR TEMPORARY CULTIVATION OF RUBBER DATED 3-4-1961.
- P4: A SPECIMEN OF PATTI UNDER SPECIAL RULES FOR ASSIGNMENT.
- P5: COPY OF THE WORKING PLAN PREPARED BY THE FOREST DIVISION FOR THE PERIOD OF 1964 TO 1974.
- P6: COPY OF THE JUDGMENT IN WP(C) 9605/2008 DATED 13-8-2009.
- P7: COPY OF THE JUDGMENT IN W.A.NO.1908/2009 DATED 25-8-2009.
- P8: PHOTOGRAPH OF THE LOCATION OF THE QUARRY AND RADAR STATION.
- P9: LETTER SERVED BY THE 11TH RESPONDENT DATED 29-10-2009.
- P10: THE GOVERNMENT NOTIFICATION DATED 28-3-2012 TO RESTRICT THE QUARRYING OPERATION WITHIN 900 SQUARE METER RADIUS OF THE AIR FORCE STATION.
- P11: DETAILS OF QUARRYING LEASES AND PERMITS DURING 2012.
- P12: A COPY OF A NEWS REPORT DATED 14-6-2012.
- P13: COPY OF THE PROCEEDINGS OF THE 7TH RESPONDENT DATED 23-7-2012 WITH ENGLISH TRANSLATION.
- P14: COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR DATED 3-9-2012 WITH ENGLISH TRANSLATION.
- P15: COPY OF THE PROCEEDINGS OF THE DIST COLLECTOR DATED 5-2-13 WITH ENGLISH TRANSLATION .
- P16: COPY OF THE CRIME NO.VC3/14/SIU-11 DATED 27-12-2014.
- P17: COPY OF THE PROCEEDINGS OF THE DIST. COLLECTOR TO THE VIGILANCE DIRECTOR DATED MAY, 2015 WITH ENGLISH TRANSLATION .
- P18: PROCEEDINGS OF THE DISTRICT COLLECTOR DATED 11-2-15 WITH ENGLISH TRANSLATION .
- P19: COPY OF THE INTERIM ORDER IN CRL.M.C.4631/2015 DATED 20-10-2016.
- P20: COPY OF THE PRELIMINARY SURVEY REPORT DATED 26-11-2016.

WP(C). 11249/2010 & other
contd cases.

-:201:-

P21: COPY OF THE PROCEEDINGS OF THE FIELD SURVEY TEAM EVALUATION
MEETING HELD ON 24-3-2017.

P22: THE COPY OF THE CIRCULAR DATED 23-1-2016 ISSUED BY PRINCIPAL
SECRETARY TO THE GOVERNMENT, INDUSTRIES DEPARTMENT.

RESPONDENTS' EXHIBITS:

R3(A): COPY OF THE NOTIFICATION DATED 8.8.1896.

R3(B): COPY OF THE RELEVANT PAGES OF WORKING PLAN FOR THE PERIOD 1964-65
TO 1973-74.

R10(A): COPY OF THE RELEVANT PAGES OF THE REPORT OF FIELD SURVEY TEAM.

R12(A): TRUE COPY OF THE WRIT PETITION FILED BY THE PETITIONER WITHOUT THE
EXHIBITS.

R12(B): COPY OF THE CAUSE TITLE OF THE JUDGMENT IN WP(C) NO.32619/2015.

WP(C). 11249/2010 & other
contd cases.

-:202:-

APPENDIX IN WP(C) NO.29510/2021

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE PATTA NO 64/70 DATED 9.4.12.1070 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P2: COPY OF THE PATTA NO 71/70 DATED 19.5.1972 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P3: COPY OF THE PATTA NO 139/70 DATED 28.11.1970 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P4: COPY OF THE PATTA NO 102/72 DATED 28.3.1972 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P5: COPY OF THE PATTA NO 200/72 DATED 5.9.1973 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P6: COPY OF THE PATTA NO 201/72 DATED 5.9.1973 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P7: COPY OF THE PATTA NO 1/74 DATED 3.1.1974 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P8: COPY OF THE PATTA NO 2/74 DATED 28.1.1974 ISSUED BY THE SPL. TAHASILDAR (LA) THALAPPILLY.
- P9: COPY OF THE BASIC TAX RECEIPT NO 0175486 DATED 31.8.2019 ISSUED BY THE 3RD RESPONDENT.
- P10: COPY OF THE NON-ASSIGNMENT CERTIFICATE DATED 12.3.2018 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT.
- P11: COPY OF THE SURVEY SKETCH OF THE PROPOSED QUARRY.
- P12: COPY OF THE LETTER NO A7-12475/2018 DATED 1.9.2018 OF THE 2ND RESPONDENT.
- P13: COPY OF THE LETTER NO 216/2018 DATED 5.11.2018 OF THE 3RD RESPONDENT.
- P14: COPY OF THE LETTER NO A7-12475/2018 DATED 28.11.2018 OF THE 2ND RESPONDENT.
- P15: COPY OF THE JUDGMENT DATED 24.7.2019 IN WPC NO. 39411 OF 2018 ON FILES OF THIS HON'BLE COURT .
- P16: COPY OF THE APPLICATION DATED 26.2.2020 FOR QUARRY NG LEASE TO THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE .
- P17: COPY OF THE APPLICATION DATED 26.2.2020 TO THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE.
- P18: COPY OF THE LETTER NO A7-12475/2018 DATED 12.6.2020 OF THE 2ND

WP(C). 11249/2010 & other
contd cases.

-.:203:-

RESPONDENT.

- P19: COPY OF THE ORDER DATED 1.10.2021 IN WPC NO 17240 OF 2020 ON FILES OF THIS HON'BE COURT.
- P20: COPY OF THE ORDER NO 942/2021 DATED 8.1.2021 BY THE 3RD RESPONDENT.
- P21: COPY OF THE LETTER NO 283/2021 DATED 8.10.2021 BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.
- P22: COPY OF THE INFORMATION NO 1540/C2/TDO/2020 DATED 19.6.2020 FURNISHED BY THE STATE PUBLIC INFORMATION OFFICER, DISTRICT OFFICE, MINING AND GEOLOGY, THRISSUR.

RESPONDENTS' EXHIBITS: NIL

APPENDIX IN WP(C) NO.30550/2021

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE PATTAYAM ISSUED TO OUSEPH SOURU DATED 8-8-1978.
- P2: COPY OF THE LETTER DATED 02-10-2021 REQUEST SUBMITTED BY THE PETITIONERS TO RESPONDENT NO. 2.
- P3: COPY OF THE LETTER DATED 07-10-2021 REJECTION ISSUED BY THE RESPONDENT NO.2 ALONG WITH ITS ENGLISH TRANSLATION.
- P4: COPY OF THE FORMS OF PATTAYAM UNDER SPECIAL RULES.
- P5: COPY OF THE KERALA MINERALS (VESTING OF RIGHTS) ACT, 2021.

RESPONDENTS' EXHIBITS:-NIL

WP(C). 11249/2010 & other
contd cases.

-.:204:-

APPENDIX IN W.A. NO.1434/2017

APPELLANTS' ANNEXURES:-

A1:- COPY OF THE STATEMENT FILED IN W.P(C) NO.40532/2016 BY THE DISTRICT COLLECTOR, THIRUVNANTHAPURAM.

A2:- COPY OF THE APPLICATION TO ACCEPT ADDITIONAL DOCUMENTS FILED IN W.P(C) NO.40532/2016.

A3:- COPY OF THE RELEVANT PAGES OF THE WORKING PLAN FOR THE YEAR 1964-65 TO 1973-74 AND THE SKETCH OF MUKKUNNIMALA RESERVE OF THE TRIVANDRUM FOREST RESERVE.

A4:- COPY OF THE APPLICATION FOR GRANT OF QUARRYING LEASE SUBMITTED ON 19.06.2006 BY M/S. KANNAMTHANAM & CO.

A5:- COPY OF ANOTHER APPLICATION FOR QUARRYING LEASE FILED ON 27.08.2008 BY SRI. THOMAS PHILIP.

RESPONDENTS' ANNEXURES:- NIL

APPENDIX IN W.A. NO.1453/2019

APPELLANT'S ANNEXURES:- NIL

RESPONDENTS' ANNEXURES:-

R4(A):- COPY OF THE GAZETTE NOTIFICATION NO.346 VOI.XVI DATED 06.08.1971, WITH TYPED LEGIBLE COPY.

R4(B):- COPY OF THE ORDER OF THE ASSIGNMENT ISSUED IN FAVOUR OF THE ASSIGNEE.

APPENDIX IN W.A. NO.1145/2020

APPELLANT'S ANNEXURES:- NIL

RESPONDENTS' ANNEXURES:-

R1(A):- COPY OF THE SKETCH ISSUED BY TALUK SURVEYOR, CHALAKUDY

R1(B):- COPY OF THE REPORT DATED 28.05.2020 SUBMITTED BY TAHSILDAR, CHALAKUDY TO DISTRICT COLLECTOR, THRISSUR, ALONG WITH TRUE ENGLISH TRANSLATION.

WP(C). 11249/2010 & other
contd cases.

-:205:-

R1(C):- COPY OF THE REPLY DATED 22.09.2020 RECEIVED UNDER THE RTI ACT FROM
THE TALUKOFFICE, CHALAKKUDY ALONG WITH TRUE ENGLISH TRANSLATION.

R1(D):- COPY OF THE SKETCH SUBMITTED BY THE VILLAGE OFFICER, KODASSERY
BEFORE THE DISTRICT GEOLOGIST.

R1(E):- COPY OF THE LETTER DATED 16.10.2020 ISSUED BY THE SECRERTARY OF
THE RESPONDENT PANCHAYAT ALONG WITH TRUE ENGLISH TRANSLATION.

//TRUE COPY//

P.A. TO C.J
