

(2024) 05 KL CK 0153

In the High Court Of Kerala

Case No : Writ Petition (C) No. 16106 Of 2024

Mathachan

APPELLANT

Vs

Geologist

RESPONDENT

Date of Decision : 31-05-2024

Acts Referred:

Citation : (2024) 05 KL CK 0153

Hon'ble Judges : C. Jayachandran, J

Bench : Single Bench

Advocate : G.P.Shinod, Govind Padmanaabhan, Ajit G Anjarlekar, Atul Mathews, Gayathri S.B., Ajith Viswanathan

Final Decision : Disposed Of

Judgement

C. Jayachandran, J

1. The petitioner has been issued with Ext.P4 demand notice alleging illegal removal of clay, which seek to recover the royalty, as also, the penalty.
2. Petitioner preferred a representation as against Ext.P4 demand. Going by Ext.P5, it is clear that an opportunity of hearing was afforded to the petitioner. Now, the grievance of the petitioner is that, without passing an order in the representation preferred by the petitioner, albeit affording an opportunity of hearing, the authorities are now trying to recover the amounts covered by Ext.P4 demand by resorting to Revenue Recovery proceedings. In short, the petitioner seeks an order to be passed to his representation; and not to initiate any coercive proceedings for recovery of the amounts covered by Ext.P4, in the meantime.
3. Learned Government Pleader would submit that although an opportunity was afforded vide Ext.P5, the petitioner did not appear and thus failed to avail the same. Learned Government Pleader would, however, submit that no orders have been passed pursuant to the hearing afforded vide Ext.P5.

4. In answer to the same, the petitioner would submit that he had appeared for the hearing and that a written statement was made on that day pursuant to Ext.P5.

5. In the above facts and circumstances, there will be a direction to the respondent Geologist to pass an order in the representation preferred by the petitioner as against Ext.P4 - in which an opportunity of hearing was granted vide Ext.P5 - within a period of two weeks from the date of receipt of a copy of this judgment. Petitioner will produce a copy of this judgment before the respondent Geologist. Until such time, no coercive steps shall be taken for recovery of the amounts covered by Ext.P4.

The Writ Petition is disposed of as above.