

(2024) 10 KL CK 0072

In the High Court Of Kerala

Case No : Writ Petition (C) No. 35563 Of 2022

M/s Quarry Of Manjeri Blue Metals

APPELLANT

Vs

The District Geologist

RESPONDENT

Date of Decision : 30-10-2024

Acts Referred:

Citation : (2024) 10 KL CK 0072

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : Nisha George, George Poonthottam, Stinnie John, Vidya Kuriakose

Final Decision : Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. Read order dated 22.10.2024. As per the directions of this Court in the above mentioned order, the Geologist conducted inspection of the petitioner's quarry and submitted a report. The Geologist submitted that the petitioner had extracted total quantity of 41,132 MT of Granite Building Stone after the approval of the scheme of mining and the balance reserve available for mining is 77668 MT.

2. I have heard both sides.

3. The learned Counsel for the petitioner submitted that since balance minor minerals are available, he is entitled for the benefit of Government Order G.O. (Rt) No.203/2021/ID dated 12.02.2021. Per-contra, the learned Government Pleader Smt.Vidya Kuriakose submitted that, even though the petitioner was entitled to extract Granite (Building Stone) from the area covered under the grant @ 50,000 MT per year, the petitioner has extracted in excess and therefore he is not entitled for the benefit of the Government Order dated 12.02.2021.

4. It is true that the petitioner has extracted excess quantity. However, it has been compounded and he has paid penalty. Since the excess extraction was

compounded and penalty has been paid, that cannot be a ground to deny the benefit of the Government Order dated 12.02.2021. That apart, the Geologist in his report has submitted that sufficient reserve is available for mining. In a similar situation, this Court has extended the quarrying lease (See W.P.(C) No. 35065/2023 dated 12.12.2023). Hence, it is declared that the petitioner would be entitled for extension of the validity of the period of quarrying lease by one year as stipulated in the Government Order dated 12.02.2021 w.e.f. 22.10.2024. It is made clear that during the said period, the petitioner shall confine the quarrying operations only to the balance quantity of minerals that is permitted to quarry as per the quarrying lease. The respondent No.1 is directed to issue necessary transit passes/ movement permit to the petitioner, in accordance with law.

The writ petition is disposed of as above.