

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 808 of 2015 (A)

PETITIONER :

**PRASEED, S/O. MADAMBI,
PARATHIKUNNATH HOUSE, KOOTTANAD,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
PALAKKAD, PIN - 678 001.**
- 2. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD - 678 001.**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 808 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE OCPY OF THE ORDER OF THE FIRST RESPONDENT DT. 08.5.14 AS NO.
L.R.G 5-2013/64678/9.**

**P2 - TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DT. 11.6.14 AS
NO.03/OE/DOP/1987/2014/A1.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 808 of 2015

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Dated, this the 14th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 2nd respondent to issue P forms to the petitioner to transport red earth from his properties, as permitted in Exts. P1 and P2.

(ii) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The learned Counsel for the petitioner submits that the petitioner had already approached the 1st respondent by filing necessary application and after satisfying the credentials, Ext.P1 NOC was issued; based on which Ext.P2 permit was issued by the 2nd respondent. The learned counsel for the petitioner submits though the petitioner has already approached the second respondent for issuance of P. Forms to transport the red earth, the same is still to be issued. Hence the writ petition.

3. Heard the learned Government Pleader as well, who submits that the concerned Geologist/2nd respondent has already conducted inspection in the property concerned and that some more quantity is to be removed. It is also pointed out that it is for the petitioner to produce fresh possession certificate, along with the particulars required to be satisfied in accordance with the relevant provisions of the Kerala Minor Mineral Concession Rules, for issuance of P Forms.

4. In the above circumstance, the petitioner is set at liberty to approach the 2nd respondent by furnishing the details as above, upon which the same shall be considered and appropriate steps shall be taken by the 2nd respondent to issue P-Forms at the earliest. It is open for the 2nd respondent to ascertain whether the destination shown by the petitioner is a property which is not liable to be filled up in accordance with law.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd