

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 830 of 2015 (C)

PETITIONER :

**GOKUL G.,
S/O.GOPALAKRISHNAN,AGED 35 YEARS, REJANA HOUSE,
NEDUKUNNAM MURI, NEDUKUNNAM VILLAGE,
CHANGANASERY TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT OF KERALA SECRETARIAT,
THIRUVANANTHAPURAM.PIN- 695 001**
- 2. THE DISTRICT COLLECTOR, KOTTAYAM,
KOTTAYAM DISTRICT- 686 001**
- 3. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM, KOTTAYAM DISTRICT -686 001**
- 4. THE VILLAGE OFFICER,
NEDUKUNNAM VILLAGE, KOTTAYAM DISTRICT -686 001.**
- 5. THE SECRETARY,
NEDUKUNNAM GRAMA PANCHAYATH, KOTTAYAM TALUK,
KOTTAYAM DISTRICT -686 001**
- 6. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT -686 001.**

R1 TO R6 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 830 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - THE TRUE COPY OF THE BUILDING PERMIT NO.A4-2111/2013
 DATED 08-05-2013 ISSUED BY THE SECRETARY OF NEDUMKUNNAM
 GRAMA PANCHAYATH**
- EXT.P2 - THE TRUE COPY OF THE GOVERNMENT ORDER IN G.O(P)93/2014/ID
 DATED 30-06-2014**
- EXT.P3 - THE TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
 DATED 19-09-2014 IN WPC NO.24217 OF 2014.**

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. 830 of 2015

Dated this the 9th 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 writ order of direction, commanding 6th respondent to issue P Form to the petitioner to transport red earth from the property in Re-Sy No. 246/5, 246/4 in Block No.18 of Nedukunnam Village at Kottayam Taluk, under the provisions of the Kerala Minor Mineral Concession Rule.

ii. To declare that no NOC from the revenue department is required for getting P-form on the basis of Ext.P2 government order or under Kerala Minor Mineral Concession Rule, while removing red earth for purpose of construction of residential building and commercial building having 300 M2 area and the NOC is applicable only in the case of commercial permits."

The learned counsel for the petitioner relies on Ext.P3 judgment dated 19.09.2014 in W.P.(C). No. 24217 of 2014 and seeks to extend similar benefits to the petitioner as well.

2. Heard the learned Government Pleader and the learned counsel for the petitioner.

3. In view of Ext.P2 Government Order bearing No. G.O.(P)

No. 93/2014 ID dated 30.06.2014, no quarrying permit is necessary for extracting ordinary earth if a valid building permit for construction of the residential building is obtained. However, P Form is necessary to transport the excavated earth. In the said circumstance, the 6th respondent/Senior Geologist is directed to issue P Forms to the petitioner on being satisfied with the genuineness of the claim of the petitioner as per Ext.P1 without insisting for No Objection Certificate. The proceedings as above shall be finalized at the earliest, at any rate, within 'ten days' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps. The writ petition is disposed of.

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

kp/-