

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. 833 of 2015 (D)

PETITIONER :

**K.J.JOSEPH,
KANNAN PILALIL HOUSE, ERAM P.O,
MALAYALAPUZHA PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.PIN-695 001**
- 2. DISTRICT COLLECTOR, PATHANAMTHITTA-685 641**
- 3. THE SENIOR GEOLOGIST,
MINING AND GEOLOGY, MINI CIVIL STATION,
ARANMULA, PATHANAMTHITTA -689 547**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

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

sts

WP(C).No. 833 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE
 VILLAGE OFFICER**
- EXT.P2 - TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE PANCHAYATH**
- EXT.P3 - TRUE COPY OF THE G.O(P)93/2014/ID DATED 30-6-2014**
- EXT.P4 - TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE
 THE 3RD RESPONDENT**
- EXT.P5 - TRUE COPY OF THE JUDGMENT DATED 19-11-2014 IN WRIT PETITION
 (CIVIL) NO.30784/2014**

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. 833 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 3rd respondent to issue P Form to the petitioner to transport red earth from his property without insisting the works permit or the details of vehicles.

ii. To declare that works permit or details of vehicles are not required for getting P-form on the basis of Ext.P3 government order or under Kerala Minor Mineral Concession Rules, while removing red earth for purpose of construction of residential building and commercial building having 300 M2 area.”

The learned counsel for the petitioner relies on Ext.P5 judgment dated 19.11.2014 in W.P.(C). No. 30784 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.P3 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 building is obtained. However, P Form is necessary to transport the excavated earth. In the said circumstance, the 3rd respondent/Senior Geologist is directed to issue P Form to the petitioner on being satisfied with the genuineness of the claim of the petitioner as per Ext.P2 without insisting for No Objection Certificate. The application preferred in this regard as per Ext.P4 shall be considered and appropriate orders shall be passed in accordance with law, 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.**