

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936**

**WP(C).No. 887 of 2015 (I)**  
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**PETITIONER :**  
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**T.A.KUNHIMON, AGED 69 YEARS,S/O.ABDU,  
PRESIDENT, KALLOR KARNAKKIL JUMA MASJID,  
KALLOOR PO, VADAKKEKAD, THRISSUR DISTRICT.**

**BY ADV. SRI.K.I.SAGEER**

**RESPONDENT(S):**  
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- 1. THE TAHASILDAR, CHAVAKKAD TALUK,  
THRISSUR , PIN- 680 001**
- 2. THE VILLAGE OFFICER,  
VADAKKEKKAD VILLAGE, THRISSUR, PIN -679 563**
- 3. SENIOR GEOLOGIST,  
DEPARTMENT OF MINING AND GEOLOGY, MINI CIVIL STATION,  
CHEMBUKKAVU, THRISSUR, PIN- 680 001**
- 4. SUB INSPECTOR OF POLICE,  
VADAKKEKAD POLICE STATION, THRISSUR , PIN- 679 563**

**R1 TO R4 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

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**P.R. RAMACHANDRA MENON J.**

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W.P.(C) No. 887 of 2015

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Dated, this the 9<sup>th</sup> day of February, 2015

**JUDGMENT**

The petitioner has approached this Court with the following prayers :

"i. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondent No.1 and 4 not to obstruct removal of ordinary sand from the property for the purpose of construction of the residential flat as per Ext. P1

(ia) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 3<sup>rd</sup> respondent to issue P form to the petitioner as per the Kerala Minor Mineral Concession Rules, 1967 so as to transport earth removed from 20 cents of property in Sy. No. 129/12 of Vadakkekad village expeditiously within the time limit fixed by this Hon'ble Court.

**(added as per order order dated 25.05.2015 om I.A. 801 of 2015).**

ii. Issue such other relief as this Hon'ble Court may deem fit an proper in the circumstances of the case.

2. The learned counsel for the petitioner submits that in order to put up a residential building, on the strength of Ext. P1 building permit, the petitioner has to remove earth from the property concerned. By virtue of Ext. P2 Government Notification - G.O.(P) No. 93/2014/ID dated 30.06.2014, no permit is required for extracting earth for construction of residential building, including flats, and commercial building having plinth area up to 300 M<sup>2</sup>. But, for transporting earth, P Form is necessary and though the petitioner intimated the third respondent as to the extraction of earth and for issuance of P - Forms to transport the earth from his property, the respondents are obstructing the action of the petitioner. Hence the writ petition.

3. Heard the learned Government Pleader as well.

4. In the said circumstances, the third respondent is directed to issue P forms to the petitioner, on being satisfied with the genuineness of the claim of the petitioner, based on Ext. P1 building permit, without insisting for NOC, which shall be done at the earliest, at any rate, within ten days from the date of receipt of a copy of this judgment.

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: 3 :

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the third respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd