

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 965 of 2015 (U)

PETITIONER(S):

**MUHAMMED, AGED 58 YEARS,
S/O.MOITHEEN, VATHIMATTOM, VENGOLA KARA,
KUNNATHUNAD TALUK, ARAKKAPADY VILLAGE,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
ERNAKULAM DISTRICT - 682 030.**
- 2. THE DIRECTOR,
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM - 695 001.**
- 3. THE STATE OF KERALA,
REPRESENTED BY JOINT SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 965 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. TRUE COPY OF THE BUILDING PERMIT 27.12.2014 ISSUED BY THE
SECRETARY, VENGOLA GRAMA PANCHAYATH.**

**EXHIBIT P2. TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT DATED 29.12.2014.**

**EXHIBIT P3. TRUE COPY OF THE G.O.(P)NO.93/2014/ID DATED 30.06.2014 ISSUED BY
THE GOVERNMENT OF KERALA.**

**EXHIBIT P4. TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 11.11.2014 IN W.P.(C) NO.29788 OF 2014.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.965 of 2015

Dated this the 13th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

" 1. Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to issue sufficient P-Forms to the petitioner for transporting the earth removing by him on the basis of Exhibit P1 building permit after conducting a site inspection and after receipt of the royalty fixed by the first respondent within a reasonable period which this honourable Court may deem and proper in the interest of justice and circumstances of the case.

2. Declare that no license or permit from the first respondent is required for extracting ordinary earth for the purpose of construction of residential buildings including house on the basis of amendment to Rule 8(1B) of the Kerala Minor Mineral Concession Rules.

3. Issue such other writ, orders or directions, which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case."

The learned counsel for the petitioner relies on Ext.P4 judgment dated 11.11.2014 in W.P.(C). No.29788 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. However, P Form is necessary to transport the material. In the said circumstance, the 1st respondent/District 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 building permit, 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 first respondent, for further steps.

The writ petition is disposed of.

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

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