

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. 1003 of 2015 (A)

PETITIONER(S):

**SUJITH JOSEPH, AGED 35 YEARS,
S/O.JOSEPH, PERUMBRAMATHOPPIL HOUSE, VAZHOOR MURI,
VAZHOOR VILLAGE, KOTTAYAM TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM- 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,
VAZHOOR VILLAGE, KOTTAYAM DISTRICT- 686 001.**
- 5. THE SECRETARY,
VAZHOOR GRAMA PANCHAYATH, KOTTAYAM TALUK,
KOTTAYAM DISTRICT- 686 001.**
- 6. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT- 686 001.**

BY SR.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:**

WP(C).No. 1003 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: THE TRUE COPY OF THE BUILDING PERMIT NO.A4-2111/2013
DATED 08.09.2014 ISSUED BY THE SECRETARY OF NEDUMKUNNAM GRAMA
PANCHAYATH.**
- P2: THE TRUE COPY OF THE GOVERNMENT ORDER IN G.O[P] 93/2014/ID
DATED 30.06.2014.**
- P3: TRUE COPY OF THE TAX RECEIPT ISSUED BY THE 4TH RESPONDENT
DATED 14.06.2013.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.1003 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 of direction, commanding 6th respondent to issue P-Form to the petitioner to transport red earth from the property in Re-Sy. No.259/3 of Vazhoor Village at Kottayam Taluk, under the provisions of the Kerala Minor Mineral Concession Rule.

2. To declare that no NOC from the revenue department is required for getting P-Form on the basis of Exhibit 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.

3. Issue such other appropriate writ, order or direction as this Hon'ble Court deem fit and proper, in the circumstances of the case."

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. However, P Form is

necessary to transport the material. 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 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 6th respondent, for further steps.

The writ petition is disposed of.

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

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