

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 1356 of 2015 (T)

PETITIONER:

**NIBU @ ANTONY,
S/O.VARGHESE, KODIYAN HOUSE, KATHIKKUDAM VILLAGE
CHALAKUDY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
THRISSUR-680 001.**
- 3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, THRISSUR DISTRICT
THRISSUR-680 001.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 1356 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1 : COPY OF THE NO-OBJECTION CERTIFICATE DATED 17/11/2014 ISSUED TO THE PETITIONER

EXT.P2 : COPY OF THE NOTIFICATION DATED 30.6.2014 ISSUED BY THE GOVERNMENT

EXT.P3 : COPY OF THE JUDGMENT RENDERED IN W.P(C)NO.31377/2014 DATED 25/11/2014

EXT.P4 : COPY OF THE PROCEEDING OF THE 3RD RESPONDENT DATED 23/12/2014.

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. 1356 of 2015

Dated this the 14th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

“Issue a writ of mandamus or other appropriate writ, order or direction to the 3rd respondent to grant two months more time to comply Ext.P4 order to remove and transport ordinary earth from the property owned by the petitioner having an extent of 15.47 Ares of land in Sy.No. 1567 of Kadukutty Village, Chalakkudy Taluk.”

The learned counsel for the petitioner submits that pursuant to Ext.P3 judgment dated 25.11.2014 in W.P(C). No. 31377 of 2014, the 3rd respondent has conducted an enquiry and an order granting permission to take ordinary earth from the site was issued as per Ext.P4. But, on account of holidays and also on account of PWD works in the road, the petitioner was unable to remove the required earth from the site within the time specified. Though the petitioner request for some more time, the same is not considered and hence the writ petition.

2. Heard the learned Government Pleader as well, who

points out that, if a proper application is filed before the 3rd respondent seeking for extension of time referring to the facts and events, merit of the same will be considered and appropriate orders will be passed enabling the petitioner to remove earth from the site mentioned in Ext.P1 NOC issued by the concerned Panchayath.

3. In the said circumstance, the petitioner is at liberty to file an application before the 3rd respondent within ten days from the date of receipt of a copy of this judgment, upon which the 3rd respondent shall consider the same and appropriate order shall be passed granting necessary permit, without insisting for environmental clearance certificate, at the earliest, at any rate, within 'two weeks' thereafter.

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

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