

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 1456 of 2015 (F)

PETITIONER(S):

**ANIE P.ROBIN, EVERGREEN,
PERINGANADU, POTHADI, ADOOR,
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 - 695 001.**
- 2. DISTRICT COLLECTOR ,
PATHANAMTHITTA-689 645.**
- 3. THE SENIOR GEOLOGIST,
MINING AND GEOLOGY ,
MINI CIVIL STATION, ARANMULA,
PATHANAMTHITTA - 689 547.**

BY SR. GOVT. PLEADER SRI.MUHAMMED SHAFI. M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, ALONG WITH WP(C).NO.1457 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

WP(C).No. 1456 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE
VILLAGE OFFICER.
- EXT.P2 COPY OF THE BUILDING PERMIT ISSUED BY THE PANCHAYAT.
- EXT.P3 COPY OF THE G.O(P) NO.93/2014/ID DATED 30/06/2014.
- EXT.P4 COPY OF THE REQUISITION LETTER.
- EXT.P5 COPY OF THE JUDGMENT DATED 24/10/2014 IN
WP(C).NO.27744/2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.1456 & 1457 OF 2015
.....

Dated this the 15th January, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers: (Same prayers in both the cases)

"i) issue a writ of mandamus or any other appropriate writ order or direction, commanding 3rd respondent to issue P-form to the petitioner to transport the red earth from his property with more days and with more vehicles.

ii) to declare that details of vehicles are not required for getting P-Form on the basis of Ext..P3 Government order or under Kerala Minor Mineral Concessions Rules, while removing red earth for the purpose of construction of residential building and commercial building having 300 M2 area and petitioner can use any number of vehicles; and

iii) issue such other appropriate writ, order or direction as this Hon'ble Court deems fit and proper in the circumstances of the case.

2. The case of the petitioners is that on the strength of Ext.P2 building permit, they levelled the property by removing red earth for construction of residential buildings. But when the

petitioners approached the third respondent/Senior Geologist with a request for issuance of P-Form to transport the earth from his property, it is refused to be acted upon.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, this Court finds that in view of Ext.P3 Government Notification- G.O.(P) NO.93/2014/ID dated 30.06.2014, no permit is required for extracting ordinary earth. But, for the purpose of transporting ordinary earth, P-Form is necessary. Accordingly, the third respondent/Senior Geologist is directed to issue necessary P-Form on being satisfied with the genuineness of the claim of the petitioners based on Ext.P2 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. The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the third respondent/Senior Geologist for further steps.

The writ petitions are disposed of.

P.R.RAMACHANDRA MENON
JUDGE