

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. 1494 of 2015 (J)

PETITIONER(S):

**MATHEW IYPE, AGED 62 YEARS,
S/O.P.O. IYPE, THATTAKKUNU VADAKKETHIL,
MULAKUZHA P.O., CHENGANNUR,
ALAPPUZHA- 689 505.**

**BY ADVS. SRI.RAAJESH S.SUBRAHMANIAN,
SRI.V.R.RAJESH.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE SECRETARY,
MULAKKUZHA GRAMA PANCHAYATH,
MULAKUZHA, ALAPPUZHA- 689 520.**
- 3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
ALAPPUZHA-688 101.**

R1 & R3 BY SR. GOVT. PLEADER SRI.MUHAMMED SHAFI. M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 1494 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1. COPY OF THE BUILDING PERMIT BEARING NO.A2/6073/14
DATED 29.12.2014 ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P2. COPY OF THE NOTIFICATION SHOWING AMENDMENT VIDE
G.O(P)NO.93/2014 (D)DATED 30.06.2014.**

**EXHIBIT P3. COPY OF THE JUDGMENT DATED 15.12.2014 IN
WP(C).NO.33851/2014.**

**EXHIBIT P4. COPY OF THE APPLICATION DATED 09.01.2015 MADE TO
THE 3RD RESPONDENT.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 1494 of 2015

Dated this the 15th 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 directing the 3rd respondent to issue P-Form in order to transport the red earth from the property having an extend of 12.80 Ares of land belonging to the petitioners in Sy.No. 430/17 of Mulakkuzha Village based on Ext.P2 amendment to Rule 8 of the Kerala Minor Mineral Concession Rules without insisting for NOC from the Revenue Department.”

The learned counsel for the petitioner relies on Ext.P3 judgment dated 15.12.2014 in W.P.(C). No. 33851 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.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 if a valid permit for construction of a residential building is obtained from the local

authority. However, P Form is necessary to transport the excavated earth. In the said circumstance, the 3rd 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 third respondent for further steps. The writ petition is disposed of.

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

kp/-