

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. 1526 of 2015

PETITIONER(S):

**NAVABHARATH LIBRARY,
SOORANADU, KOLLAM
REPRESENTED BY ITS PRESIDENT JOSE THOMAS, S/O.THOMAS
AGED 32 YEARS, PANIKKAVEETIL PADINJATTATHIL
SOORANADU NORTH VILLAGE, KUNNATHUR TALUK
KOLLAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY
KOLLAM DISTRICT-682030.**
- 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
INDUSTRIAL DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY SENIOR GOVERNMENT 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:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 TRUE COPY OF AFFILIATION CERTIFICATE DATED 05-02-2010 ISSUED
BY THE SECRETARY, KERALA STATE LIBRARY COUNCIL,
THIRUVANANTHAPURAM.
- EXT P2 TRUE COPY OF THE AFFILIATION CERTIFICATE DATED 10-06-2009
ISSUED BY THE MEMBER SECRETARY, KERALA STATE YOUTH
WELFARE BOARD, THIRUVANANTHAPURAM.
- EXT P3 TRUE COPY OF THE TAX RECEIPT DATED 10-11-2014 ISSUED BY THE
VILLAGE OFFICER, SOORANAD NORTH VILLAGE.
- EXT P4 TRUE COPY OF THE LOCATION CERTIFICATE OF THE PROPERTY OF
PETITIONER DATED 10-11-2014 ISSUED BY THE VILLAGE OFFICER,
SOORANAD NORTH VILLAGE.
- EXT P5 TRUE COPY OF THE BUILDING PERMIT DATED 01-12-2014 ISSUED BY
THE SOORANAD NORTH GRAMA PANCHAYATH.
- EXT P6 TRUE COPY OF THE APPLICATION DATD 29-12-2014 SUBMITTED BY
THE PETITIONER BEFORE THE FIRST RESPONDENT.
- EXT P7 TRUE COPY OF THE G.O.(P).NO.93/2014/ID DATED 30-06-2014.
- EXT P8 TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 11-11-2014 IN WP(C).NO.29788 OF 2014.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 1526 of 2015

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

"i. Issue a writ of mandamus or any other appropriate writ order of direction, directing the first respondent to issue sufficient P forms to the petitioner for transporting the earth removing by them on the basis of Ext.P5 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.

The learned counsel for the petitioner relies on Ext.P8 judgment dated 11.11.2014 in W.P.(C). Nos. 29788 & 29795 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.P7 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 building permit for construction of a residential building is obtained. However, P

Form is necessary to transport the excavated earth. 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.P5 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.**

kp/-