

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 2362 of 2015 (U)

PETITIONER:

USMAN, S/O.KUMJIMOIDU, AGED 62 YEARS,
KAKKADATH HOUSE, VARAVATTOOR DESOM,
PALLUR VILLAGE, THALAPPILLY TALUK,
THRISSUR DISTRICT, REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER PRADEEP K,
S/O.SETHUMADAVAN, AGED 34 YEARS,
KALANKUNNATH HOUSE, VARAVATTOOR DESOM,
PALLUR VILLAGE, THALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S):

- *1. DISTRICT GEOLOGIST,
OFFICE OF THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD - 679 001.(CORRECTED)
2. THE DIRECTOR OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM,
THIRUVANANTHAPURAM - 695 001.
3. THE VILLAGE OFFICER, PALLUR VILLAGE,
OFFICE OF THE PALLUR AND DESAMANGALAM
GROUP VILLAGE OFFICE, PALLUR.P.O.,
THRISSUR - 680 001.

*CORRECTED

THE ADDRESS OF THE 1ST RESPONDENT IS CORRECTED
AS 'DISTRICT GEOLOGIST, OFFICE OF THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, THRISSUR - 680 003
AS PER ORDER DATED 22.01.2015 IN IA.1063/2015.

BY SPECIAL GOVT. PLEADER(REVENUE) SRI.P.K.SOYUZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

WP(C).No. 2362 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE BASIC TAX RECEIPT DATED 17.10.14 ISSUED BY THE VILLAGE OFFICER.**
- P2- TRUE COPY OF THE CERTIFICATE OF STATUS DATED 19.1.15 ISSUED BY THE VILLAGE OFFICER TO THE PETITIONER.**
- P3- TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE LOCAL GRAMA PANCHAYATH TO THE PETITIONER DATED 19.1.2015.**
- P4- TRUE COPY OF THE GOVERNMENT NOTIFICATION G.O(P)NO.93/2014/ID DATED 30.6.2014.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

Dated this the 22nd January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus directing the 1st respondent to issue sufficient number of P-Forms to the petitioner for the transportation of the ordinary earth from the property covered by the exhibits P1 to P3 on the strength of Exhibit P3 Building Permit after conducting the site inspection and receipt of the royalty fixed by the 1st respondent within a reasonable time without insisting for No Objection Certificate from the District Collector and environmental clearance certificate.

ii) Declare that no license or permit from the 1st respondent is required for the extraction of the ordinary earth for the purpose of the construction of the residential building as Exhibits P1 to P3.

iii) issue such other relief as this Hon'ble Court may think deem fit in the facts and circumstances of the case".

2. The case of the petitioner is that, on the strength of Ext.P3 building permit, the petitioner levelled the property by removing red earth for construction of a residential building. But

when the petitioner approached the first respondent/District Geologist with a request for issuance of P-Form to transport the earth from his property, it was 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.P4 Government Notification-G.O.(P) NO.93/2014/ID dated 30.06.2014, no permit is required for extracting ordinary earth, if there is a valid building permit. But, for the purpose of transporting ordinary earth, P-Form is necessary. Accordingly, the first respondent/District Geologist is directed to issue necessary P-Form, on being satisfied with the genuineness of the claim of the petitioners based on Ext.P3 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 petitioner shall produce a copy of this judgment along with a copy of the writ petition before the first respondent/District Geologist for further steps.

The writ petition is disposed of.

P.R.RAMACHANDRA MENON
JUDGE