

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 2363 of 2015 (U)

PETITIONER(S):

**BABY, AGED 50 YEARS,
S/O.MATHEW, CHERIYIL, CHEMMANADU P.O.,
ERNAKULAM DISTRICT.**

BY ADV. SRI.S.SHAJAHAN (ADOOR)

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
ERNAKULAM DISTRICT - 686 562.**
- 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.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 2363 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE BUILDING PERMIT OF THE SAID PROPERTY OF THE
PETITIONER ISSUED BY THE SECRETARY, THIRUVANIYOOR
DATED 01.12.2014.**

EXHIBIT P2: TRUE COPY OF THE SAID G.O (P) NO.93/2014/ID DATED 30.06.2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2363 of 2015

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Dated, this the 30th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

(i) Issue a writ of mandamus or any other appropriate writ, order or directing the first respondent to issue sufficient P forms to the petitioner for transporting the earth removing by him on the basis of Ext. P1 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.

(ii) declare that no license or permit from the first respondent is required for extracting ordinary earth for the purpose of construction of residential building having plinth area up to 300 sq. meter as per Exhibit P2 Government Order.

(iii) Issue such other writ, orders or directions, which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.

2. The case of the petitioner is that on the strength of Ext. P1 building permit, he levelled the property by removing ordinary earth for construction of residential building. But when the petitioner

approached the first respondent with a request for issuance of P Form to transport the earth from his property, it is refused to be acted upon, referring to absence of NOC from the District Collector.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, this Court finds that in view of Ext. P2 G.O. (P) No. 93/2014 dated 30.06.2014, no permit is required for extracting ordinary earth, if a valid building permit is there. But, for the purpose of transporting ordinary earth, P Form is necessary. Accordingly, the first respondent is directed to issue necessary P-Form on being satisfied with the genuineness of the claim of the petitioner based on Ext. P1 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 for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd