

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 2401 of 2015 (A)

PETITIONER(S):

1. **BALAN,
KALATHIVILAYIL HOUSE,
ARUKALICKAL EAST, NEDUMON,
EZHAMKULAM VILLAGE, ADOOR,
PATHANAMTHITA DISTRICT.**
2. **VILASINI,
KALATHIVILAYIL HOUSE, ARUKALICKAL EAST, NEDUMON,
EZHAMKULAM VILLAGE, ADOOR,
PATHANAMTHITA 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**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 2401 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE
 VILLAGE OFFICER**
- EXT P2: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE
 VILLAGE OFFICER**
- EXT P3: TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE PACHAYATH**
- EXT P4: TRUE COPY OF THE GO.(P)93/2014/ID DATED 30.06.2014**
- EXT P5: TRUE COPY OF THE REQUISITION LETTER.**
- EXT P6: TRUE COPY OF THE JUDGMENT DATED 24.10.2014 IN
 WPC.NO.27764/2014**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 2401 of 2015

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

“i. Issue a writ of mandamus or any other appropriate writ order of 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.P4 government order or under Kerala Minor Mineral Concession Rules, while removing red earth for the purpose of construction of residential building and commercial building having 300M2 area and petitioner can use any number of vehicles.”

The learned counsel for the petitioners relies on Ext.P6 judgment dated 24.10.2014 in W.P.(C). No. 27764 of 2014 and seeks to extend similar benefits to the petitioners as well.

2. Heard the learned Government Pleader and the learned counsel for the petitioner.

3. In view of Ext.P4 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 the residential building is obtained. 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 petitioners on being satisfied with the genuineness of the claim of the petitioners as per Ext.P3 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 petitioners shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps. The writ petition is disposed of.

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