

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 2763 of 2015 (U)

PETITIONER(S):

**JOHN,
S/O.LAZAR, AKKARAPATTIYEKKAL HOUSE, ADAT P.O.
THRISSUR DISTRICT.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENT(S):

**GEOLOGIST
MINING AND GEOLOGY DEPARTMENT,
THRISSUR, PIN 680003.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1:** TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE ADAT GRAMAPANCHAYATH TO THE PETITIONER DATED 03.12.2014.
- EXHIBIT-P2:** PHOTOGRAPHS SHOWING THE MUD TAKEN FOR BUILDING FOUNDATION OF THE PETITIONER'S BUILDING.
- EXHIBIT-P3:** TRUE COPY OF THE REPORT OF THE ASSISTANT ENGINEER DATED 12.12.2014.
- EXHIBIT-P4:** TRUE COPY OF THE LETTER DATED 13.12.2014 ISSUED BY THE ADAT GRAMAPANCHAYATH TO THE RESPONDENT.
- EXHIBIT-P5:** TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE RESPONDENT DATED 22.01.2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2763 of 2015

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Dated, this the 28th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- "i. Issue a writ in the nature of mandamus commanding the respondent to accept application for P form for transportation of ordinary earth in accordance with Ext. P1 building permit and Ext. P3 and P4 after accepting the compounding fee as requested in Ext. P5, within such time as may be fixed by this Hon'ble Court.
- ii. Issue such other orders, writs or directions as are deemed fit by this Hon'ble Court.
- Iii. Award cost of this proceedings to the petitioners"

2. The learned counsel for the petitioner submits that in order to put up a commercial building, on the strength of Ext. P1 building permit, the petitioner has removed 664.65 M³ of ordinary earth from the property concerned and approached the respondent for issuance of P - Forms to transport the earth from his property. But it is refused to be accepted, stating that, as per the relevant

provisions of the Kerala Minor Mineral Concession Rules, for extraction of earth for construction of 'commercial building' of over 300 M², permit from the concerned Geologist necessary. The learned counsel for the petitioner submits that the petitioner has already approached the respondent by filing Ext. P5 application to compound the offence.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, the respondent is directed to accept application of the petitioner for issuance of P Forms forthwith and pass appropriate orders thereon and also on Ext. P5 application for compounding the offence, in accordance with law, as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd