

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. 2768 of 2015 (U)

PETITIONER:

**SASIDHARAN, S/O.GOPALAN,
KOTTAVILA HOUSE, KANJIKUZHI P.O.,
IDUKKI DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT,
INDUSTRIES (A) DEPARTMENT,
GOVERNMENT SECRETARIAT,
TRIVANDRUM, PIN - 695001.**
- 2. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
IDUKKI DISTRICT OFFICE, THODUPUZHA,
IDUKKI DISTRICT, PIN - 685 585.**
- 3. THE VILLAGE OFFICER, KANJIKUZHI VILLAGE,
IDUKKI DISTRICT, PIN - 685 602.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

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

mbr/

WP(C).No. 2768 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1: TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE KANJIKUZH
GRAMA PANCHAYATH, DATED 27.8.2014.**

**EXHIBIT-P2: TRUE COPY OF THE G.O.(P) NO.93/2014/ID ISSUED BY THE
GOVERNMENT OF KERALA DATED, 30.6.2014.**

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

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2768 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 or any other appropriate writs, orders or directions commanding the 2nd respondent to issue P forms under Rule 48K of the Kerala Minor Mineral Concession Rules, for transporting red earth from the properties of the petitioner.

ii. Grant such other reliefs as this Hon'ble Court may deem fit an proper in the circumstances of the case.

2. The learned counsel for the petitioner submits that in order to put up a residential building, on the strength of Ext. P1 building permit, the petitioner has to remove earth from the property concerned. By virtue of Ext. P2 Government Notification - G.O.(P) No. 93/2014/ID dated 30.06.2014, no permit is required for extracting earth for construction of residential building, including flats, and commercial building having plinth area up to 300 M². But, for transporting earth, P Form is necessary and though the petitioner approached the second respondent for issuance of P - Forms to

transport the earth from his property, it is still to be issued. Hence the writ petition.

3. Heard the learned Government Pleader as well, who submits that the building concerned herein is partly commercial and partly residential. The learned counsel for the petitioner submits that only the ground floor is intended for commercial purpose.

4. On going through Ext. P1 building permit, it is evident that ground floor is having an extent of 197.8 M², which is well within the prescribed limit of 300 M². In the said circumstances, the second respondent is directed to issue P forms to the petitioner, 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.

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

The Writ Petition is disposed of.

Sd/-

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

kmd

W.P.(C) No. 2768 of 2015

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