

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. 3047 of 2015 (E)

PETITIONER(S):

**ST.SEBASTIAN'S CHURCH,
POYYA P.O., POYYA VLLAGE, KODUNGALLUR TALUK
THRISSUR DISTRICT
REPRESENTED BY ITS VICAR FR. JOY SRAMBICAL
S/O. C.P.PAILY, AGED 45 YEARS.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
THRISSUR DISTRICT-680001.**
- 2. THE DIRECTOR
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695001.**
- 3. THE STATE OF KERALA,
REPRESENTED BY JOINT SECRETARY TO GOVERNMENT
INDUSTRIAL DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**

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:**

PJ

WP(C).No. 3047 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE BUILDING PERMIT DATED 13.1.2015 ISSUED BY
THE SECRETARY, POYYA GRAMA .**

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

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 11.11.20147 IN WPC NO.29788 OF 2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3047 of 2015

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 direction directing the first respondent to issue sufficient P forms to the petitioner for transporting the earth removing by him on the basis of exhibit 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. 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."

The learned counsel for the petitioner relies on Ext.P3 judgment dated 11.11.2014 in W.P.(C). No.29788 of 2014 and seeks to extend similar benefits to the petitioner as well.

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

3. In view of Ext.P2 Government Order bearing No.G.O.(P) No.93/2014/ID dated 30.06.2014, no quarrying permit is

necessary for extracting ordinary earth. However, P Form is necessary to transport the excavated earth, if a valid permit has been obtained from the Local Authority for effecting construction of a residential building. In the said circumstance, the first respondent/Geologist is directed to issue P Forms to the petitioner on being satisfied with the genuineness of the claim of the petitioner as per Ext.P1 building permit, 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 petitioner shall produce a copy of the judgment, along with a copy of the writ petition, before the first respondent, for further steps.

The writ petition is disposed of.

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

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