

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 3979 of 2015 (V)

PETITIONER(S):

**SASIDHARAN, AGED 62 YEARS
S/O. RAGHAVAN, VALLUMANNIL HOUSE, VANIYAMPARA.P.O.
PANANCHERY VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

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

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE BUILDING PERMIT 31-1-2015 ISSUED BY THE
SECRETARY, PANANCHERY GRAMA PANCHAYATH.**
- EXT.P2. TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT DATED 2-2-2015.**
- EXT.P3. TRUE COPY OF THE G.O.(P) NO. 93/2014/ID DATED 30-6-2014 ISSUED
BY THE GOVERNMENT OF KERALA.**
- EXT.P4. TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 30-01-2015 IN WPC NO. 3047 OF 2015.**
- EXT.P5. TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 5-11-14 IN WPC NO. 27596 OF 2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3979 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"1. 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.

2. Declare that no license or permit from the first respondent is required for extracting ordinary earth for the purpose of construction of residential buildings including house on the basis of amendment to Rule 8(1B) of the Kerala Minor Mineral Concession Rules.

3. Declare that the customer can choose vehicle for transporting earth purchased by them from the petitioner and the first respondent has no authority to restrict number of vehicles.

4. 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. Heard the learned Government Pleader and the learned

counsel for the petitioner.

3. In view of Ext.P3 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.

4. 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. However, considering the prayer No.3 raised by the petitioner, it is made clear that the first respondent need not restrict the number of vehicles while granting the permit; but it will be for the petitioner to furnish the numbers of the concerned

vehicles, which in turn shall be incorporated in the permit.

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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