

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. 4050 of 2015 (E)

PETITIONER(S) :

**SOSAMMA, AGED 69 YEARS,
W/O.KURIAN, CHALUVELILAYA MATTATHIL,
KUZHIMATTOM P.O, PANACHIKKAD VILLAGE, KOTTAYAM TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT-673 012.**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY, KESAVADASAPURAM,
PATTAM, THIRUVANANTHAPURAM- 695 001.**
- 3. THE STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

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:**

Msd.

WP(C).No. 4050 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE BUILDING PERMIT 04.02.2015 ISSUED BY
 THE SECRETARY, PANACHIKKAD GRAMA PANCHAYATH.**
- EXT.P2: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
 BEFORE THE FIRST RESPONDENT DATED 05.02.2015.**
- EXT.P3: TRUE COPY OF THE G.O(P)NO.93/2014/ID DATED 30.06.2014 ISSUED BY
 THE GOVERNMENT OF KERALA.**
- EXT.P4: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
 DATED 30.01.2015 IN W.P(C).NO.3047 OF 2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.4050 of 2015

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

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

4. 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.

5. 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.

6. 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**