

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 4555 of 2015 (T)

PETITIONER(S):

**VARGHESE, S/O.ANTONY, AGED 54 YEARS,
THINAMPARAMBIL, PAZHAYIDOM P.O.,
ERUMELI SOUTH VILLAGE, KANJIRAPPALLY 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 GOVT. PLEADER SRI.M. MUHAMMED SHAFI.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 4555 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT. P1 : TRUE COPY OF THE BUILDING PERMIT DATED 16-01-2015
ISSUED BY THE SECRETARY, ERUMELY GRAMA PANCHAYATH.**
- EXT. P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT DATED 19-01-2015.**
- EXT. P3 : TRUE COPY OF THE GO(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 WP(C).NO. 3047/2015.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 4555 of 2015

Dated this the 12th 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 Ext.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."

The learned counsel for the petitioner relies on Ext.P4 judgment dated 30.1.2015 in W.P.(C). No. 3047 of 2015 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.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 if a valid building permit for construction of the residential building is obtained. However, P Form is necessary to transport the excavated earth. In the said circumstance, the 1st respondent/Senior 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 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 concerned respondent for further steps. The writ petition is disposed of.

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