

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C) .No. 4771 of 2015 (V)

PETITIONER(S) :

ABDUL AZIZ,
AGED 32 YEARS, S/O K.P.KUNJALAN,
KULAMBIL PADINJAREKKARA HOUSE,
CHERUTHURUTHY VILLAGE DESOM, P.O. CHERUTHURUTHY,
THALAPPILLY TALUK, THRISSUR DISTRICT,
REPRESENTED BY HIS POWER OF ATTORNEY,
HOLDER SRI. SATHEESH K.B., AGED 32 YEARS,
S/O BALAKRISHNAN, KIZHAKKEDATH HOUSE,
VILVOTTAM VILLAGE, VILLADOM DESOM, RAMAVARMAPURAM P.O.,
THRISSUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS.

RESPONDENT(S) :

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1. DISTRICT GEOLOGIST,
OFFICE OF THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR-680 003.
 2. THE DIRECTOR OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM,
THIRUVANANTHAPURAM-695 001.
 3. THE VILLAGE OFFICER
CHERUTHURUTHY VILLAGE, CHERUTHURUTHY P.O.,
THRISSUR-679531.

BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE BASIC TAX RECEIPT DATED 10.10.14
ISSUED BY THE VILLAGE OFFICER.

EXHIBIT P2: TRUE COPY OF THE LOCATION CERTIFICATE DATED 14.10.2014
ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE POSSESSION CERTIFICATE DATED
14.10.2014 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE LOCAL
GRAMA PANCHAYATH TO THE PETITIONER DATED 6.1.2015.

EXHIBIT P5: TRUE COPY OF THE GOVERNMENT NOTIFICATION GO(P)
NO.93/2014/ID DATED 30.6.2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4771 of 2015

Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

“1. Issue a writ of mandamus directing the 1st respondent to issue sufficient number of P-Forms to the petitioner for the transportation of the ordinary earth from the property covered by the Exhibits P-1 to P-4 on the strength of Exhibit P-4 Building Permit after conducting the site inspection and receipt of the royalty fixed by the 1st respondent within a reasonable time without insisting for No Objection Certificate from the District Collector and environmental clearance certificate.

2. Declare that no license or permit from the 1st respondent is required for the extraction of the ordinary earth for the purpose of the construction of the residential building as Exhibits P-1 to P-4.”

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

3. In view of Ext.P5 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.P4 building permit, without insisting for No Objection Certificate. The proceedings as above shall be finalized at the earliest, at any rate, within 'three weeks' 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 1st respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON, JUDGE.