

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. 4787 of 2015 (W)

PETITIONER(S):

**ANIL C KURIAN, AGED 50 YEARS
S/O. ITTIKUNJU, CHALUVELIL HOUSE, EZHIMATTAM P.O.
PANACHIKKARA VILLAGE, KOTTAYAM TALUK
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
KOTTAYAM DISTRICT- 686 533.**
- 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.JOSEPH GEORGE

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

PJ

WP(C).No. 4787 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE BUILDING PERMIT DATED 07/01/2015 ISSUED BY THE SECRETARY, PANACHIKKADU GRAMA PANCHAYATH.**
- EXHIBIT-P2- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE IST RESPONDENT DATED 12/01/2015.**
- EXHIBIT-P3- TRUE COPY OF THE G.O(P) 93/2014/ID DATED 30/06/2014 ISSUED BY THE GOVERNMENT OF KERALA.**
- EXHIBIT-P4- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 30/01/2015 IN W.P(C) 3047/2015 .**
- EXHIBIT-P5- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 05/11/2014 IN W.P(C) 27596/2014**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4787 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 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.”

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 '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.