

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 5140 of 2015 (N)

PETITIONER :

**TINSON JOHN, AGED 28 YEARS,
MANAGING PARTNER, M/S.AISWARYA GRANITES,
ARKKANNOR P.O., ELAMADU, KOTTARAKKARA TALUK,
KOLLAM DISTRICT, KERALA - 691 533.**

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENT :

**THE SENIOR GEOLOGIST
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE,
ASRAMAM, KOLLAM - 691 002.**

BY GOVERNMENT PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: COPY OF THE QUARRYING PERMIT NO.47/2014-
15/MM/GBS/CRPS/DOQ/S2/1187/2014 DATED 2.5.2014
- EXT.P-2: COPY OF THE QUARRYING PERMIT NO.58/2014-
15/MM/GBS/CRPS/DOQ/S2/1190/2014 DATED 13.5.2014.
- EXT.P-3: COPY OF THE QUARRYING PERMIT NO.59/2014-
15/MM/GBS/CRPS/DOQ/S2/1188/2014 DATED 13.5.2014.
- EXT.P-4: COPY OF THE QUARRYING PERMIT NO.60/2014-
15/MM/GBS/CRPS/DOQ/S2/1189/2014 DATED 13.5.2014.
- EXT.P-5: COPY OF QUARRYING PERMIT NO.61/2014-
15/MM/GBS/CRPS/DOQ/S2/1210/2014DATED 13.5.2014.
- EXT.P-6: COPY OF THE QUARRYING PERMIT NO.62/2014-
15/MM/GBS/CRPS/DOQ/S2/1191/2014 DATED 13.5.2014.
- EXT.P-7: COPY OF ORDER BEARING NO.733/2013-14/DOQ/S2/1220/2013
DATED 13.2.2014 OF THE RESPONDENT.

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.S. TO JUDGE

bp

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 5140 of 2015

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Dated, this the 5th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (a) Issue a writ of mandamus directing the respondent to issue 5000 P forms to be issued to the petitioner as per law towards Exts. P1 to P4 and P6 permits immediately.
- (b) declare that the petitioner is entitled to get balance P forms of 5000 in numbers on the basis of Exts. P1 to P3 and P6 permits.
- (c) pass such other writ or order or direction which this Hon'ble Court may deem fit and proper to the facts and circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner has been given various permits, as borne by Exts. P1 to P5, enabling him to effect quarrying operation. It is stated that on the strength of the said permits, the petitioner has already effected the quarrying operation, but instead of granting requisite extent of P forms, as originally sanctioned, only a lesser number was issued and as such, the petitioner could not transport the entire quantity excavated. Hence the present writ petition, seeking for a direction to be issued to the respondent to issue necessary P forms.

3. The learned Government Pleader points out that the sanction given to the petitioner to excavate ordinary earth was valid only till 09.02.2015 and as such, only the actual quantity, which was excavated on the strength of valid permits before the cut off date could alone be caused to be removed.

4. After hearing both the sides, the respondent is directed to conduct a spot inspection with notice to the petitioner, with reference to the account maintained by the petitioner and see whether any deficit quantity of P forms (now, Mineral Transit Passes in Form O (A) as per the KMMC Rules, 2015) are to be issued to the petitioner to transport the materials excavated before the cut off date of 09.02.2015. The said exercise shall be completed, at the earliest, at any rate, within two weeks from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the respondent for further steps.

The writ petition stands disposed of.

Sd/-

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

kmd