

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 5331 of 2015 (N)

PETITIONER(S):

**KESAVAN, S/O.KESAVAN NAMBIAR,
VADAKKE PUSHPAKAM, IRANIKKULAM,
KAKKULISSERY VILLAGE, CHALKUDY TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS.

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR, THRISSUR-680 001.**
- 3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT, THRISSUR-680 001.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 5331 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER,
KAKKULISSERY VILLAGE DATED 20/08/2014.
- EXT.P2 COPY OF THE NO-OBJECTION CERTIFICATE DATED 08/01/2015
ISSUED TO THE PETITIONER.
- EXT.P3 COPY OF THE NOTIFICATION DATED 30/06/2014 ISSUED TO THE
GOVERNMENT.
- EXT.P4 COPY OF THE JUDGMENT DATED 15/10/2014 IN
WP(C).NO.26817/2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.5331 of 2015

Dated this the 20th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or other appropriate writ, order or direction to the 3rd respondent to issue P-Form to the petitioner to remove and transport ordinary earth from the property owned by the petitioner comprising 63 cents of land in Survey No.52/1 of Kakkullissery Village, Chalakudy Taluk, without insisting production of No Objection Certificate from the revenue authorities.

ii. Grant such other reliefs which this Honourable Court just and fit in the circumstance of the case."

The learned counsel for the petitioner relies on Ext.P4 judgment dated 15.10.2014 in W.P.(C). No.26817 of 2014 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. 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. In the said circumstance, the third respondent/Geologist is directed to issue P Forms to the petitioner on being satisfied with the genuineness of the claim of the petitioner, 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 third respondent, for further steps.

The writ petition is disposed of.

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

sp