

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 7518 of 2015 (L)

PETITIONER :

**MOLY, AGED 38 YEARS,
D/O. BALAKRISHNAN UNNITHAN, KARIKONIKONATH VEEDU,
SEEMANTHAPURAM, MADAVUR, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS :

- 1. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM-695001.**
- 2. SUPERINTENDENT OF POLICE (RIURAL)
THIRUVANANTHAPURAM-695001.**
- 3. COMMISSIONER OF POLICE,KOLLAM-691001.**
- 4. GEOLOGIST, DISTRICT OFFICE,
THIRUVANANTHAPURAM-695001.**
- 5. THAHASILDHAR, VARCKALA TALUK, VARCKALA,
THIRUVANANTHAPURAM - 695001.**
- 6. VILLAGE OFFICER
MADAVUR VILLAGE, VARKALA TALUK,
THIRUVANANTHAPURAM-695001.**

***ADDL. R7 IMPEADED :**

- 7. MADAVUR GRAMA PANCHAYATH, REPRESENTED BY ITS
SECRETARY, OFFICE OF THE MADAVUR GRAMA PANCHAYATH,
MADAVUR P.O., THIRUVANANTHAPURAM - 695001.**

***ADDL. R7 IS IMPEADED AS PER ORDER DT 25/3/2015 IN IA 4444/2015.**

R1 TO R6 BY GOVERNMENT PLEADER SRI. M.R. ARUNKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF ORDER ISSUED BY THE THAHASILDAR VARKKALA TO THE VILLAGE OFFICER MADAVUR DATED 10.2.2015.
- EXHIBIT P2:** TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 5TH RESPONDENT VILLAGE OFFICER MADAVUR DATED 20.2.2015.
- EXHIBIT P3:** TRUE COPY OF THE CHALAN RECEIPT REMITTING THE ROYALTY TO THE GOVERNMENT DATED 16.2.2015.
- EXHIBIT P4:** TRUE COPY OF THE PROCEEDINGS ISSUED BY THE VILLAGE OFFICER PANDODU FOR THE PURPOSE REMOVAL AND TRANSPORTATION OF RED EARTH SPECIFICALLY MENTIONING THE VEHICLES NUMBER AND DATE AND TIME ETC.
- EXHIBIT P5:** TRUE COPY OF THE PROCEEDINGS ISSUED BY THE VILLAGE OFFICER KALLARA FOR THE PURPOSE REMOVAL AND TRANSPORTATION OF RED EARTH SPECIFICALLY MENTIONING THE VEHICLES NUMBER AND DATE AND TIME ETC.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.7518 of 2015

Dated this the 4th Day of December, 2015

J U D G M E N T

The petitioner wants to remove ordinary red earth from the site proposed for a residential building. The petitioner has approached this Court on account of non-issuance of O(A) forms to extract and transport the same. The site in question is in Madavur Village, Varkkala Taluk, Thiruvananthapuram District.

2. It is apparent that the petitioner has not obtained any building permit. This Court is of the view that if the petitioner approaches the Panchayat, the Panchayat shall issue the same within one month from the date of receipt of the request. If permission is granted, based on the permission, the Geologist shall issue necessary O(A) forms on being satisfied that the proposed construction of the residential building is genuine.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms