

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 8646 of 2015 (E)

PETITIONER(S) :

**K.B.KRISHNA PRASAD,
S/O.BHASKARAN, KANDANAKATH HOUSE, BASKARA VILLA,
NEAR MARKET ROAD, CHANDAKUNNU, IRINJALAKUDA.**

BY ADV. SRI.K.I.SAGEER

RESPONDENT(S) :

- 1. THE TAHSILDAR,
KODUNGALLUR TALUK, THRISSUR DISTRICT, PIN- 680 568.**
- 2. THE VILLAGE OFFICER,
KAIPAMANGALAM VILLAGE, THRISSUR, PIN- 680 567.**
- 3. SENIOR GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE,
MINI CIVIL STATION, CHEMBUKAVU, THRISSUR, PIN- 680 001.**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 8646 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT-P1: TRUE COPY OF THE BUILDING PERMIT NO.A2-6933/14
DATED 09/03/2015 ISSUED FROM KAIPAMANGALAM GRAMA
PANCHAYATH.**

EXHIBIT-P2: TRUE COPY OF THE G.O.(MS) NO.12/2014/EVNT.DATED 15/11/2014.

**EXHIBIT-P3: TRUE COPY OF THE INTIMATION GIVEN BY THE PETITIONER TO
THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 8646 of 2015

Dated this the 8th day of October, 2015

J U D G M E N T

Petitioner is undertaking the construction of a building complex for residential purpose. Ext.P1 is the building permit. By virtue of Rule 14 of the Kerala Minor Mineral Concession Rules, 2015 the persons doing construction of residential building including flats or commercial buildings having a plinth area upto 300 square metres are exempted from obtaining quarrying permit under the Rules, if the owner of the land has obtained a prior valid permit for construction of such building from the concerned Local Self Government authority. The said Rule reads as follows:-

“14. Quarrying permit for Ordinary earth:(1) A quarrying permit under these rules shall be obtained for extraction of ordinary earth used for filling or levelling purposes in construction of embankments, roads, railways or buildings in Form N:

(2) Notwithstanding anything contained in sub-rule(1), no quarrying permit is required

under these rules for extraction of ordinary earth in connection with the construction of residential buildings including flats or commercial buildings having a plinth area of 300 square metres if the owner of the land obtained a prior valid permit for construction of such building from the Local Self Government authorities concerned;

Provided that in cases where transportation of ordinary earth is required, the owner shall pay royalty for the quantity to be transported and shall obtain mineral transit passes under the Kerala State Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 from the competent authority;

Provided further that the competent authority shall not issue mineral transit passes for removal of ordinary earth exceeding the quantity needed to be extracted, as ascertained by it through a site inspection.”

2. In the light of Rule 14, there is no obstruction for residential building, based on the plinth area.

3. In that view of the matter, this Court is of the view that necessary O.A.form shall be issued to the petitioner for transport of ordinary earth for the purpose of construction of residential flat.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, Judge.

MBS/

