

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 8878 of 2015 (H)

PETITIONER(S) :

**MOHAMMED SHEREEF, AGED 29 YEARS,
S/O.UMMER, CHEMBILAKADAVIL HOUSE, KOZHIKKARA,
KAPPUR P.O., OTTAPPALAM-679 552.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S) :

**1. KAPPUR GRAMA PANCHAYATH,
REP.BY ITS SECRETARY, OTTAPPALAM TALUK,
PALAKKAD-679 552.**

*** ADDITIONAL R2 IMPEADED**

**2. THE GEOLOGIST,
DISTRICT OFFICE, DEPARTMENT OF MINING & GEOLOGY,
MUNICIPAL SHOPPING COMPLEX, T.B.ROAD,
PALAKKAD, PIN - 678 014.**

*** ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 25.03.2015 IN
I.A.NO.4509 OF 2015.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 8878 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT-P1: TRUE PHOTOCOPY OF THE RECEIPT NO.9142608
DATED 04.12.2014 ISSUED BY THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.8878 of 2015

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Dated this the 20th day of July, 2015

JUDGMENT

The petitioner is aggrieved by the non-consideration of his application submitted by the respondent panchayat for issue of NOC so to apply for quarrying permit.

2. The petitioner alleges that in order to apply for quarrying permit under the Minor Mineral Concession Rules, a No Objection Certificate (NOC) from the concerned local authority for construction of residential building is necessary. Therefore, he applied for NOC from the first respondent on 4.12.2014. However, the same has not been considered.

3. The petitioner further alleges that he wants to remove soil from his hilly property for construction the residential building. In order to do remove the soil, he requires a quarrying permit under Rule 3 of the Rules. The Mining and Geology Department insists for NOC, plan and permit, if the quarrying is for constructing the building. Therefore, without obtaining NOC from the first respondent, quarrying could not be carried out. It is with this background, the petitioner has approached this Court.

4. Though notice has been served on the respondents, they did not turn up.

5. Heard the learned counsel for the petitioner.

6. The learned counsel for the petitioner has confined his argument to the limited prayer seeking a direction to the respondent panchayat to consider and pass orders on the application.

Therefore, the writ petition is disposed of directing the respondent panchayat to consider the application submitted by the petitioner and pass appropriate order after affording the petitioner and affected parties an opportunity of hearing, within a period two weeks from the date of receipt of a copy of this judgment.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj