

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8999 of 2015 (Y)

PETITIONER :

**DAVID CHACKO
S/O. CHACKOCHAN, AGED 48 YEARS
CHAMBAKAPPARAMBIL, KARIKODE PO.,
MULAKULAM VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE DISTRICT GEOLOGIST
DEPTMENT OF MINING AND GEOLOGY
ERNAKJLAM DISTRICT – 682030.**
- 2. THE DIRECTOR,
MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM - 695001**
- 3. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001**
- 4. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT - 682030**

R1 TO R4 BY GOVT. PLEADER SRI. M. MUHAMMED SHAFI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 8999 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE LAST LICENCE ISSUED BY THE SECRETARY,
PIRAVOM GRAMA PANCHAYATH DATED 3.11.2008.**

**EXHIBIT P2: TRUE COPY OF THE MINING AND PERMIT DATED 20.10.2008 ISSUED
BY THE FIRST RESPONDENT TO THE PETITIONER.**

**EXHIBIT P3: TRUE COPY OF THE RECEIPT DATED 5.10.2009 ISSUED FROM THE
OFFICE OF THE FIRST RESPONDENT.**

**EXHIBIT P4: TRUE PHOTOGRAPHS OF BALANCE BRICK CLAY EXTRACTED AND
REMOVED BY THE PETITIONER AND STORED IN THE PREMISES.**

**EXHIBIT P5: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT DATED 6.2.2015.**

**EXHIBIT P6: TRUE COPY OF THE LICENCE DATED 28.5.2014 ISSUED BY THE
SECRETARY, PIRAVOM GRAMA PANCHAYATH TO THE BROTHER OF
PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 8999 of 2015

Dated this the 20th day of March, 2015

J U D G M E N T

The case of the petitioner is that, on the strength of Ext.P2 mining permit, the petitioner mined and extracted brick clay from the property. When the petitioner approached the first respondent/District Geologist and submitted Ext.P5 application for sufficient O(A), to transport the clay from his unit, it was refused. Hence the petitioner approached this Court with the following prayers:

- "1. Issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to issue sufficient O(A) forms to the petitioner for transporting brick clay from his brick manufacturing unit covered by exhibit P1 licence to the brick manufacturing unit of his brother covered by exhibit P6 licence without insisting no objection certificate from the district collector or no objection certificate from the Kerala state environmental impact assessment authority.*
- 2. Declare that no objection certificate from the district collector or clearance certificate from the Kerala state environmental impact assessment authority is not required to transport clay but it is required only for mining and extracting clay.*
- 3. Issue such other writ, orders or directions, which this*

Honourable court may deem fit and proper in the interest of justice and circumstances of the case."

2. Heard the learned Government Pleader as well.

3. In the above facts and circumstances, first respondent/District Geologist is directed to issue Form O(A), on being satisfied with the genuineness of the claim of the petitioner based on Ext.P1 licence, without insisting for 'NOC', in accordance with law, which shall be done 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 this judgment along with a copy of the writ petition before the first respondent/District Geologist for further steps.

The writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.