

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9706 of 2015 (K)

PETITIONER :

**M.A.THOMAS,
S/O. ANTONY, AGED 60 YEARS,
PERMANENT RESIDENT AT MANJALY HOUSE,
XV/51 A, KARAYANPARAMBU, ANGAMALY AND NOW
RESIDING AT NO.3, 4TH PHASE, MAHARANI AVENUE,
VADAVALLY.P.O., VADAVALLY VILLAGE, VEERAKERALAM,
COIMBATORE DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT-680 001**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695 001**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIAL DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.9706/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE BUILDING PERMIT 5/3/2015 ISSUED BY THE SECRETARY, MELOOR GRAMA PANCHAYATH.**
- P2 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 9/3/2015**
- P3 COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 5/03/2015 IN WP(C).NO.7055 OF 2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 9706 of 2015

Dated this the 26th day of March, 2015

JUDGMENT

In the light of the ratio laid down in W.P. (C) No. 7055 of 2015, dated 05.03.2015, the first respondent is to issue sufficient O(A) forms to the petitioner for transporting the earth removed by him on the basis of Exhibit P1 building permit, after conducting a site inspection and after receipt of the royalty fixed by the first respondent.

2. In the facts and circumstances, the first respondent/District Geologist is directed to issue 'Mineral Transit Pass' in Form O(A), on being satisfied, in statutory terms, with the genuineness of the claim of the petitioner based on Exhibit P1 building permit, without insisting for 'NOC'/Mining permit. The issuance of the 'Mineral Transit Pass' as indicated above 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.

3. The number of vehicles need not be restricted, however the particulars of the vehicles shall be inclined in P Form to be issued to the petitioner.

With the above observations, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-