

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 9762 of 2015 (U)

PETITIONER:

**RAHUL, S/O.SASEENDRAN, AGED 32 YEARS,
RAHIL NIVAS, THALAYOLAPARAMBU.P.O.,
VADAYAR VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
OFFICE OF DISTRICT GEOLOGY,
ERNAKULAM DISTRICT, PIN-682 030.**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM-695 001.**
- 3. THE STATE OF KERALA, REPRESENTED
BY JOINT SECRETARY TO GOVERNMENT,
INDUSTRIAL DEPARTMENT,
GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 9762 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

**P1- TRUE COPY OF MINING PERMIT DATED 7.4.2014 ISSUED BY THE
FIRST RESPONDENT TO THE PETITIONER.**

**P2- TRUE COPY OF THE APPLICATION DATED 10.3.2015 SUBMITTED BY THE
PETITIONER BEFORE THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9762 of 2015

Dated this the 1st day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "1. issue a writ of mandamus or other appropriate writ direction or order directing the first respondent to issue sufficient O(A) forms for transporting minor mineral extracted by the petitioner before 9.2.2015 and stored in the premises of the quarry of petitioner.*
- 2. issue such other writ or orders or directions which this honourable Court may deem fit and proper in the interest of justice and circumstances of the case."*

2. The case of the petitioner is that, on the strength of Ext.P1 mining permit, the granite building stones extracted by the petitioner are kept in the premises of the quarry of the petitioner. But when the petitioner approached the 1st respondent/District Geologist with Ext.P2 application for issuance of Mineral Transit Passes to transport the granite aggregates, it was refused to be acted upon.

3. Heard the learned Government Pleader as well.

4. The 1st respondent/District Geologist is directed to issue 'Mineral Transit Pass' in Form O(A), on being satisfied with the genuineness of the claim of the petitioner based on Ext.P1 mining permit, 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 1st respondent/District Geologist for further steps.

The writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.