

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 10208 of 2015 (A)

NAME AND ADDRESS OF THE PETITIONER(S):

**JOHN PAUL NAIDIL,
S/O.PAUL, IRUKKARAN HOUSE, KARUKUTTY P.O,
CHALKUDY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

NAME AND ADDRESS OF THE RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM- 695 001.**
- 2. THE DISTRICT COLLECTOR,
THRISSUR- 680 001.**
- 3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT, THRISSUR-680 001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 10208 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER,
KAKKULISSERY VILLAGE DATED 16.03.2015.**

EXHIBIT P2: TRUE COPY OF THE BUILDING PERMIT DATED 16.03.2015.

**EXHIBIT P3: TRUE COPY OF THE NOTIFICATION DATED 30.06.2014 ISSUED BY
THE GOVERNMENT.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 20.02.2015 IN
W.P.(C).NO.5331/2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 10208 of 2015

Dated this the 30th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or other appropriate writ, order or direction to the 3rd respondent to issue P-Form to the petitioner to remove and transport ordinary earth from the property owned by the petitioner comprising 20.64 ares of land in Survey No.195/4 of Kakkullissery Village, Chalakudy Taluk, without insisting production of No Objection Certificate from the revenue authorities.

ii. Grant such other reliefs which this Honourable Court just and fit in the circumstance of the case."

2. The learned counsel for the petitioner relies on Ext.P4 judgment dated 20.02.2015 in W.P.(C). No.5331 of 2015 and seeks to extend similar benefits to the petitioner as well.

2. Heard the learned Government Pleader and the learned counsel for the petitioner.

3. In view of Ext.P3 Government Order bearing No.G.O.(P) No.93/2014/ID dated 30.06.2014, no quarrying permit is necessary for extracting ordinary earth. However, Mineral Transit

Pass in Form O(A) is necessary to transport the excavated earth, if a valid permit has been obtained from the Local Authority for effecting construction of a residential building. In the said circumstance, the third respondent/Senior Geologist is directed to issue Form O(A) to the petitioner, on being satisfied with the genuineness of the claim of the petitioner, without insisting for No Objection Certificate. The proceedings as above shall be finalized 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 the judgment, along with a copy of the writ petition, before the third respondent, for further steps.

The writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.