

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. 10695 of 2015 (J)

PETITIONER(S):

**ABDU SAMAD, S/O.UMMER (LATE),
ARANGODAN HOUSE, ARIpra P.O.,
MAKKARAPARAMBU, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENT(S):

**THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, MANJERI,
MALAPPURAM DISTRICT, PIN- 676 121.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1- TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, PUZHAKKATTIRI DATED 17/01/2015.
- EXT P2- TRUE COY OF THE NO-OBJECTION CERTIFICATE ISSUED BY THE ASSISTANT EXECUTIVE ENGINEER, PWD NH DIVISION, PERINTHALMANNA DATED 28-02-2015.
- EXT P3- TRUE COPY OF THE NO-OBJECTION CERTIFICATE ISSUED BY THE DISTRICT COLLECTOR, MALAPPURAM DATED 1-01-2015.
- EXT P4- TRUE COPY OF THE LOCATION SKETCH OF THE PROPERTIES ISSUED BY THE VILLAGE OFFICER, PUZHAKKATTIRI DATED 17/01/2015.
- EXT P5- TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, PUZHAKKATTIRI DATED 17/01/2015.
- EXT P6- TRUE COPY OF THE ENVIRONMENTAL CLEARANCE ISSUED BY THE STATE ENVIRONMENTAL ASSESSMENT AUTHORITY DATED 31/10/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

=====

W.P.(C). No. 10695 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ, orders or directions commanding the respondent to issue mining permit and transit pass to the petitioner for removing red earth from 15 cents of properties owned by the petitioner in Survey No.23/3 of the Puzhakkattiri Village, forthwith, without any further delay.

ii. Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The learned counsel for the petitioner submits that the grievance of the petitioner is with regard to the lapse on the part of the respondent in considering the application preferred by the petitioner for removing ordinary earth in terms of the KMMC Rules, 2015. It is stated that the petitioner has obtained requisite NOC from the authorities of the PWD vide Ext.P2. Ext.P3 is the NOC issued by the District Collector and Ext.P6 is the Environmental Clearance Certificate issued by the competent authority. In spite of all the above proceedings in favour of the

petitioner, the application preferred by the petitioner is still kept in the cold storage and hence the writ petition.

3. Heard the learned Government Pleader as well, who submits that the application will be considered and appropriate orders will be passed within the shortest possible time.

4. After hearing both the sides, the writ petition is disposed of, directing the respondent to consider and pass appropriate orders on the application stated as preferred by the petitioner at the earliest, at any rate, within 'one month' 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 respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**