

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 13231 of 2015 (D)

PETITIONER(S)/PETITIONER:

**ELIZABETH KURIAKOSE AGED 54 YEARS
D/O.K G KURIAKOSE, PADINJAREKUTTU HOUSE, PARIPPU P O
KOTTAYAM DIST, PIN-686014**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S)/RESPONDENTS:

- 1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF INDUSTRY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001**
- 2. GEOLOGIST, MINING AND GEOLOGY DEPARTMENT
CIVIL STATION, KAKKANAD, ERNAKULAM
KOCHI-682030**
- 3. VILLAGE OFFICER
ALUVA WEST VILLAGE, ALUVA, ERNAKULAM DISTRICT
PIN-683101**

BY ADV. GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE LOCATION SKECH OF THE PROPERTIES OF THE PETITIONER, PREPARED BY THE 3RD RESPONDENT**
- P2:- TRUE COPY OF THE POSSESSION CERTIFICATE DTD 23/3/2015 ISSUED BY THE 3RD RESPONDENT**
- P3:- TRUE COPY OF THE BUILDING PERMIT DTD 25/4/2015 ISSUED BY THE SECRETARY OF EDATHALA GRAMA PANCHAYATH**
- P4:- TRUE COPY OF THE REPRESENTATION DTD 24/4/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT**
- P5:- TRUE COPY OF THE JUDGMENT DTD 10/4/2015 IN WPC NO 12145/2015 OF THIS HON'BLE COURT**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P.(C) No. 13231 of 2015 (D)

Dated this the 24th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner has not been issued with O(A) Forms for carrying out the construction of a building, as is indicated at Ext.P3.

2. The petitioner relies on Ext.P5 judgment. Ext.P5 judgment specifically refers to Rule 14 of the Kerala Minor Mineral Concession Rules, 2015, wherein persons effecting construction of residential building, including flats or commercial buildings, having a plinth area upto 300 square metres are exempted from obtaining quarrying permit under the Rules, if the owner of the land has obtained a prior valid permit for construction of such building from the concerned Local Self Government Institution.

3. However, in the present case the petitioner's building permit shows that she intends to construct a

building of 1697.52 square metres, that too, a commercial building. The exemption clause will not be applicable to the petitioner.

4. The learned Government Pleader would also submit that in view of the decision of this Court in **All Kerala River Protection Council v. State of Kerala - 2015 (2) KLT 78**, the petitioner would also have to get an Environmental Clearance Certificate before any quarrying operation is carried on.

In such circumstance, the writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE