

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

WP(C).No. 13737 of 2015 (N)

PETITIONER:

**JOSE, AGED 40 YEARS,
S/O.PAULOSE, PADAYATTIL , PUTHENVELIKKARA P O
PUTHENVELIKKARA VILLAGE, PARAVUR TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

- 1. THE DISTRICT GEOLOGIST, ERNAKULAM,
DEPARTMENT OF MINING AND GEOLOGY,
ERNAKULAM DISTRICT, PIN 682030.**
- 2. THE DIRECTOR,
MINING AND GEOLOGY
OFFICE OF THE MINING AND GEOLOGY, KESAVADASAPURAM
PATTAM, THIRUVANANTHAPURAM 695001.**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001.**

BY GOVERNMENT PLEADER SRI.FAZIL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 13737 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE BUILDING PERMIT 18/4/2015 ISSUED BY THE
SECRETARY, AYYAMPUZHA GRAMA PANCHAYATH**
- P2:- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE
THE FIRST RESPONDENT DTD 20/4/2015**
- P3:- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DTD 9/4/2015
IN WPC NO.11995/2015**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.13737 OF 2015

Dated this the 8th day of May, 2015

JUDGMENT

Petitioner in this writ petition prays for a direction to the first respondent to issue sufficient O(A) forms to the petitioner for transporting the earth on the basis of Ext.P1, building permit after conducting a site inspection and after receipt of the royalty fixed by the first respondent.

2. Heard learned counsel for the parties and perused the materials available on record.

3. Considering the facts and circumstances of the case, there shall be a direction to the first respondent to consider the request of the petitioner after verifying the genuineness of Ext.P1 issued by the Panchayat and issue necessary O(A) form within a period of ten days from the date of receipt of a copy of this judgment. The Geologist shall not insist the number of the vehicle to be engaged for the purpose of removal of earth. However, the petitioner is at liberty to choose the vehicle for the purpose of removal of earth. Before issuance of the O(A) form, the Geologist shall consider the quantity of the earth to be removed from the site.

The writ petition is disposed of.

**A.MUHAMED MUSTAQUE
JUDGE**

jes