

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. 13748 of 2015 (P)

PETITIONER(S):

**SHABEENA, AGED 32 YEARS,
W/O.ABDUL RASACK, MAMMASRAYILLATH, KOTTALA P.O.,
PANANCHERY VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT-680 001.**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY, KESAVADASAPURAM,
PATTAM, THIRUVANANTHAPURAM-695 001.**
- 3. THE STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SMT.ROSE MICHAEL

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

msv/

WP(C).No. 13748 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 11-3-2015 ISSUED
BY THE SECRETARY, PANANCHERY GRAMA PANCHAYATH.**

**EXT P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT DATED 1-4-2015.**

**EXT P3 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 5-3-2015 IN WPC.NO.7055 OF 2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.13748 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, no objection certificate 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 bill 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**

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