

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14023 of 2015 (C)

PETITIONER(S):

**ANTHONY, AGED 69 YEARS,
S/O.DEVASSY, THARACKAL HOUSE, MUTTITHADI P.O.,
KALLUR VILLAGE, MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.C.X.ANTONY BENEDICT
SMT.PRINCY XAVIER**

RESPONDENT(S):

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

BY SENIOR GOVERNMENT PLEADER SRI.MOHAMMED SHAFFI M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 14023 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: PHOTOSTAT COPY OF THE TAX PAID RECEIPT IN THE NAME OF PETITIONER AND HIS WIFE.

P2: PHOTOSTAT COPY OF THE BUILDING PERMIT ISSUED BY THE PANCHAYAT.

P3: PHOTOSTAT COPY OF THE APPLICATION DTD.23.2.2015 GIVEN TO THE 2ND RESPONDENT.

P4: PHOTOSTAT COPY OF THE CHALAN FOR THE APPLICATION FEE DTD.23.2.2015.

P5: PHOTOSTAT COPY OF THE REPRESENTATION DATED 25/4/2015 GIVEN TO THE 2ND RESPONDENT.

P6: PHOTOSTAT COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC NO.12465/2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14023 of 2015

Dated this the 12th day of May, 2015

JUDGMENT

The petitioner is the holder of building permit to construct a residential building. The petitioner wants to extract and transport ordinary earth from the site covered by Ext.P2 building permit.

In the light of Rule 14 of the Kerala Minor Mineral Concession Rules, if the plinth area is less than 300 square metres, without insisting for NOC/Mining Permit, the Geologist shall issue mineral transit pass in Form O(A) on being satisfied with the genuineness of the claim of the petitioner based on the building permit within ten days from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE