

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. 14075 of 2015 (H)

PETITIONER :

**BALACHANDRAN,
S/O.KARTHIAYINI AMMA, AGED 63 YEARS,
MANAMMEL PUTHENVEETIL HOUSE,
VELLANGALLUR P.O, VADAKKUNKARA VILLAGE,
MUKUNDAPURAM 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,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001**

BY SR GOVERNMENT PLEADER SRI.M.MOHAMMED SHAFI

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

sts

WP(C).No. 14075 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE BUILDING PERMIT DATED 17.01.2015 ISSUED BY THE SECRETARY, VELLANGALLUR GRAMA PANCHAYATH**
- P2: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 27.04.2015**
- P3: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 05.03.2015 IN WPC.NO.7055/2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14075 of 2015

Dated this the 12th day of May, 2015

JUDGMENT

Petitioner, on the strength of Ext.P1 building permit wants to extract ordinary earth for the purpose of construction of a residential building.

2. In view of the Rule 14 of the Kerala Minor Mineral Concession Rules, 2015, no permit is required for extracting ordinary earth from the site covered by building permit. However, for the purpose of transporting ordinary earth, O (A) form is necessary. Therefore, there shall be a direction to the Geologist to issue O(A) form on being satisfied with the genuineness of the claim of the petitioner based on Ext.P1 and after ascertaining the quantity to be removed from the site. Needful shall be done within a period of ten days from the date of receipt of a copy of this judgment. However, it is

made clear that if the petitioner fails to construct any residential building, the Geologist is free to take appropriate legal action against the petitioner for contravening the provisions of the Kerala Minor Mineral Concession Rules, 1967.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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