

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. 14164 of 2015 (U)

PETITIONER :

**JIKKU ANTONY, AGED 50 YEARS,
S/O.ANTONY, MUTTATHUKARAYIL HOUSE,
PUTHEN CHANTHA VAKATHANAM VILLAGE,
CHANGANASSERRY TALUK, KOTTAYAM DISTRICT
REPRESENTED BY P/A. HOLDER T.J.CHACKO, S/O. JOSEPH,
KALAYIL HOUSE, KURUMBANADOM P.O., MADAPPALLY VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.ANVER BASHEER

RESPONDENTS :

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT-686 001.**
- 2. THE DIRECTOR OF MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY, KESAVADASAPURAM
PATTAM, THIRUVANANTHAPURAM-695 001.**
- 3. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.A.M. SAVAD

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE BUILDING PERMIT 2015 ISSUED BY THE
SECRETARY, MADAPPALLY PANCHAYATH.
- EXT.P2: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 28TH APRIL, 2015.
- EXT.P3: TRUE COPY OF THE INJUNCTION ORDER OF THE HONOURABLE
MUNISIFF COURT, CHANGANACHERRY.
- EXT.P4: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 9/4/2015 IN WPC NO.11995/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.14164 of 2015

Dated this the 12th day of May, 2015

JUDGMENT

Petitioner is the holder of Ext.P1 building permit. Petitioner wants to construct a residential building in the site covered by Ext.P1 permit.

2. It seems Ext.P3 injunction order has been passed against the petitioner. Therefore, ensuring that no lateral support will be destroyed and after hearing the persons referred in Ext.P3 injunction order, who are the plaintiffs in OS NO.396/2013 on the file of Munsiff Court, Chenganassery, this Court directs the 1st respondent to issue 'Mineral Transit Pass' in Form O(A), on being satisfied with the genuineness of the claim of the petitioner based on Ext.P1 building permit.

Needful shall be done within three weeks from the date of receipt of a copy of this judgment.

SD/-
A. MUHAMED MUSTAQUE,
JUDGE