

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.14339 of 2015 (N)

PETITIONER:

**MAJEED,AGED 52 YEARS,S/O.ALI,
VADAKKUMURIYIL HOUSE,NO.6/213,
PUTHENCHIRA VILLAGE,MUKUNDAPURAM TALUK,
THRISSUR DISTRICT,PIN-680682.**

**BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE.)
ADV.SMT.P.R.REENA**

RESPONDENT:

**GEOLOGIST,MINING AND GEOLOGY DEPARTMENT,
AYYANTHOLE,THRISSUR,PIN-680003.**

BY GOVT. PLEADER SRI.MOHAMMED SHAFI.M.

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

pk

WP(C).No.14339 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE BUILDING PERMIT DATED 04.05.2015.

EXT.P2:TRUE COPY OF THE POSSESSION CERTIFICATE DT. 02.05.2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.14339 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 residential buildings.

2. In view of the Government order, 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) Forms are 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, Geologist is free to take appropriate legal action against the petitioner for contravening the provisions of the Kerala Minor Mineral Concession Rules, 1967. Number of the vehicles need

not be restricted. However particulars of the vehicles shall be included in O(A) Forms to be issued.

The Writ Petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE,
JUDGE**

JV