

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. 14353 of 2015 (T)

PETITIONER(S):

**LONY, AGED 42 YEARS,
S/O.JOY, CHETTUPUZHA HOUSE,
THRISSUR VILLAGE, THRISSUR DISTRICT.**

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

RESPONDENT(S):

**GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
AYYANTHOLE, THRISSUR, PIN-680 003.**

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:**

rs.

WP(C).No. 14353 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

P1 : TRUE COPY OF THE BUILDING PERMIT DATED 06-11-2014 ISSUED BY THE KAIPARAMBU GRAMA PANCHAYATH.

P2 : TRUE COPY OF THE AUTHORIZATION LETTER DATED 04-12-2014 ISSUED TO THE PETITIONER.

P3 : TRUE COPY OF THE JUDGMENT IN WP(C).NO.5404/2015 DATED 20-02-2015.

P4 : TRUE COPY OF THE PROCEEDINGS OF THE GEOLOGIST DATED 31-03-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.14353 of 2015
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Dated this the 12th day of May, 2015

JUDGMENT

Petitioner on the strength of Ext.P1 building permit for the purpose of constructing residential building wants to extract ordinary earth from the site covered by Ext.P1 permit.

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, P forms are necessary. Therefore, there shall be a direction to the Geologist to issue P-form on being satisfied with the genuineness of the claim of the petitioner based on Ext.P1 building permit 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.

The Writ Petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

Sbna/13/05/15