

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.14382 of 2015 (W)

PETITIONER:

**MARY,W/O.THOMAS,AGED 60 YEARS,
MANAPPILLIAN ALIAS KALLELI,KUZHUR P.O,
KUZHUR VILLAGE,CHALAKKUDY 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 GOVT. PLEADER SRI.A.MOHAMMED SAVAD.

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

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WP(C).No.14382 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P1:TRUE COPY OF THE BUILDING PERMIT DATED 10.3.15 ISSUED BY
THE SECRETARY, KUZHUR GRAMA PANCHAYATH.**

**EXHIBIT P2:TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE IST RESPONDENT DATED 27.4.15.**

**EXHIBIT P3:TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 05.03.15 IN WPC NO.7055 OF 2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.
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W.P(C).No.14382 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, 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 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. 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.

Sbna/13/05/15