

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. 14425 of 2015 (C)

PETITIONER(S):

**MUHAMMED, AGED 63 YEARS,
S/O. KUNJAVA, POOCHINGAL HOUSE, VETTIKATTIRI DESOM,
NEDUMPURA VILLAGE, THALAPPILLY TALUK,
THRISSUR DISTRICT,
REPRESENTED BY POWER OF ATTORNEY HOLDER SATHEESH K.B.,
S/O. BALAKRISHNAN, KIZHAKKEDATH HOUSE,
VILVATTAM VILLAGE, THRISSUR 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, PATTOM, THIRUVANANTHAPURAM-695 001.**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SRI.MOHAMMED SAVAD

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

msv/

WP(C).No. 14425 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE NO OBJECTION CERTIFICATE DTD.6.1.2015 ISSUED BY
THE SECRETARY, VALLATHOL NAGAR GRAMA PANCHAYATH.**
- P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE
THE FIRST RESPONDENT DTD.1.4.2015.**
- P3 : TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DTD.5.3.2015 IN
WPC NO.7055/2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.14425 of 2015
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Dated this the 12th day of May, 2015

JUDGMENT

Petitioner, on the strength of Ext.P1 No Objection Certificate 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.

Sbna/14/05/15