

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. 14426 of 2015 (C)

PETITIONER :

**BINOY ABRAHAM, AGED 45 YEARS,
S/O. PHILIP ABRAHAM, ANCHANIKKAL, VAZHOOR EAST P.O.,
VAZHOOR VILLAGE, CHANGANACHERRY TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT-678 701.**
- 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.**

R1 TO R3 BY GOVERNMENT 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:**

bp

WP(C).No. 14426 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF THE BUILDING PERMIT 3.12.2008 ISSUED BY THE SECRETARY,
VAZHOOR GRAMA PANCHAYATH ALONG WITH BUILDING PLAN.**

**P2 : COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE
FIRST RESPONDENT DTD.1.5.2015.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.14426 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 commercial 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/14/05/15