

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. 14440 of 2015 (D)

PETITIONER:

**LUKE T.S., S/O.SHAJI BABY,
AGED 26 YEARS, THOTHUPURAM HOUSE,
ALAKKODE P.O, ALAKKODE VILLAGE,
THODUPUZZHA TALUK, IDUKKI DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
IDUKKI DISTRICT, PIN - 685584.**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM - 695001.**
- 3. THE STATE OF KERALA, REPRESENTED
BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT,
GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**

BY SENIOR GOVERNMENT PLEADER SRI.MOHAMMED SAVAD.A

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

mbr/

WP(C).No. 14440 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:- TRUE COPY OF THE NO OBJECTION CERTIFICATE 31/3/2015 ISSUED BY THE SECRETARY, KARIMANNOOR GRAMA PANCHAYATH.**
- P2:- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 21/4/2015.**
- P3:- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 9/4/2015 IN WPC NO 11995 OF 2015.**

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.14440 of 2015
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Dated this the 12th day of May, 2015

JUDGMENT

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