

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937**

**WP(C).No. 15274 of 2015 (H)**  
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**PETITIONER :**  
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**C.A. MANI,  
KINATTUMOOTIL HOUSE,  
KOTTAYAM-1.**

**BY ADVS.SMT.K.P.SANTHI  
SRI.V.RAJASEKHARAN NAIR  
SRI.RILGIN V.GEORGE  
SMT.E.U.DHANYA**

**RESPONDENT(S) :**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR  
KOTTAYAM.- 686 002.**
- 3. THE GEOLOGIST  
MINING AND GEOLOGY DEPARTMENT,  
DISTRICT OFFICE, CIVIL STATION,  
KOTTAYAM-686 002.**

**R1 TO R3 BY GOVT. PLEADER SRI. BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 15274 of 2015 (H)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT.P1.        TRUE COPY OF THE TAX RECEIPT DATED 29/5/2014.**
- EXT.P2.        TRUE COPY OF THE BUILDING PERMIT NO.APW7-TBA (3238)/2015  
DATED 3/2/2015 ISSUED BY THE KOTTAYAM MUNICIPALITY.**
- EXT.P3.        TRUE COPY OF THE ORDER DATED 16/5/2015 SUBMITTED TO THE  
3RD RESPONDENT.**

**RESPONDENT(S)' EXHIBITS        :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**K. VINOD CHANDRAN, J.**

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W.P.(C) No. 15274 of 2015 (H)  
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Dated this the 1<sup>st</sup> day of June, 2015

**J U D G M E N T**

The petitioner is aggrieved with Ext.P3 rejection of an application submitted by the petitioner.

2. The petitioner is said to have filed an application before the 3<sup>rd</sup> respondent for removing the sand in the land in which a construction was intended, for the purpose of carrying on piling work. It is also averred in the writ petition that the sand lying beneath the surface is of good quality and can be used for the construction activity. The petitioner, even as per the averments, applied for a 'No Objection Certificate' from the 3<sup>rd</sup> respondent.

3. However, the Kerala Minor Mineral Concession Rules, 2015 (hereinafter referred to as 'Rules') does not speak of any 'No Objection Certificate' to be issued by the

3<sup>rd</sup> respondent. Quarrying permit for ordinary earth has to be applied under Rule 14 of the Rules and an exemption is granted only with respect to extraction of ordinary earth in connection with the construction inter alia of commercial buildings having a plinth area less than 300 sq. metres, that too, if the owner of the land has obtained a prior valid permit for construction of such buildings from the Local Self Government Institution. Ext.P2 is the building permit obtained from the Local Self Government Institution which indicates that the total area of the building is 1098.45 sq.metres.

4. The petitioner would have to obtain a quarrying permit under Rule 14 of the Rules, which can be applied for only after obtaining the Environment Clearance Certificate under Rule 9 of the Rules, as per the notification issued by the State Government. In such circumstance, the challenge against Ext.P3 is not sustainable.

The writ petition would stand dismissed, however, leaving the petitioner to approach the appropriate authorities under the Rules.

Sd/-  
K.VINOD CHANDRAN,  
JUDGE