

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 15505 of 2015 (K)

PETITIONER(S):

**JOHN PAUL NAIDIL, S/O.PAUL,
IRUKKARAN HOUSE, KARUKUTTY P.O.,
CHALKUDY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS.

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM -695 001.**
- 2. THE DISTRICT COLLECTOR,
THRISSUR -680 001.**
- 3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT- 680 001.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
MALA POLICE STATION, MALA.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 15505 of 2015 (K)

APPENDIX

PETITIONERS' EXHIBITS:

**EXHIBIT P1. COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER,
KAKKULISSERY VILLAGE DATED 16/03/2015.**

EXHIBIT P2. COPY OF THE BUILDING PERMIT DATED 16.03.2015.

**EXHIBIT P3. COPY OF THE NOTIFICATION DATED 30.06.2014 ISSUED BY
THE GOVERNMENT.**

**EXHIBIT P4. COPY OF THE JUDGMENT DATED 30/03/2015 IN
WP.(C) NO. 10208/2015.**

**EXHIBIT P5. COPY OF THE PROCEEDING DATED 13.05.2015 ISSUED BY
THE 3RD RESPONDENT.**

RESPONDENTS' EXHIBITS:

NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No. 15505 of 2015

Dated this the 10th day of June, 2015

J U D G M E N T

The only dispute raised in the above writ petition is with respect to Ext.P5 order having specified that the transport of ordinary earth shall be only for the purpose of Government Work. There could be no such prohibition made as per the Minor Mineral Concession Rules, 2015 (for short “MMC Rules” only) and Kerala Minerals (prevention of illegal mining, storage and transportation) Rules, 2015 (for short, Transportation Rules). Hence the said condition in Ext.P5 would stand revoked. In the circumstance of Ext.P5 having expired on 25.05.2015, the petitioner shall approach the authority for fresh sanction and when such sanction is issued, no such condition shall be incorporated. However, any royalty paid already shall be adjusted to the present sanction.

2. It is made clear that the Geologist, before issuing the passes, shall inspect the premises and shall only grant O(A) forms

for the quantity of ordinary earth stacked in the property and the O (A) forms should indicate the destination of the said product, before the same is signed by the Geologist. It is also made clear that the O(A) forms shall be issued for each vehicle showing the quantity that could be transported and also indicating the destination.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge