

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 23800 of 2015 (Y)

PETITIONER:

**REMADEVI AGED 38 YEARS
W/O.G.RAVIKUMAR AND D/O.VASUDEVAN NAIR, UNNI BHAVAN
ANANGADI, SHOORANADU NORTH VILLAGE, KUNNATHUR TALUK.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

- 1. THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
KOLLAM DISTRICT - 690 561.**
- 2. THE VILLAGE OFFICER
SHOORANADU NORTH VILLAGE, KOLLAM DISTRICT - 690 561.**
- 3. THE DISTRICT COLLECTOR
KOLLAM DISTRICT - 690 561.**

BY SR. GOVERNMENT PLEADER SRI. BINU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 23800 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE BUILDING PERMIT DATED 21.05.2015 ISSUED BY THE SECRETARY, SOORANADU NORTH GRAMA PANCHAYATH TO THE PETITIONER.**
- EXHIBIT P2. TRUE COPY OF THE PERMIT DATED 08.07.2015 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.**
- EXHIBIT P3. TRUE COPY OF THE STOP MEMO DATED 16.07.2015 ISSUED BY THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 23800 of 2015 (Y)

Dated this the 13th day of August, 2015

J U D G M E N T

The petitioner is concerned with Ext.P3 stop memo of the Village Officer.

Admittedly, the petitioner is constructing a building which is sanctioned by the LSGI as per Ext.P1 permit. The petitioner had applied for O(A) Forms for removing earth from the said property for construction of a residential building. The Geologist had issued Ext.P2 order as also O(A) Forms for 70 lorry loads of ordinary earth which should be removed from the property. The petitioner submits that 23 O(A) Forms have been used and the balance is remaining to be transported. It was at this juncture Ext.P3 was issued.

2. It is not clear as to how the Village Officer found that there has been excess extraction of earth than permitted, without any remarks of the Geologist who issued

Ext.P2 order. The Village Officer, if at all intending to initiate action, ought to have informed the Geologist of the activity carried on and in such circumstance, the Geologist could have made inspection of the property to ensure that ordinary earth is transported only in accordance with Ext.P2 permission. However, that having not been done, Ext.P3 would stand set aside. The petitioner shall only transport the extracted material as has been permitted in Ext.P2.

The writ petition would stand allowed, however leaving open the remedy of the Village Officer to approach the District Geologist for inspection of the property.

Sd/-
K.VINOD CHANDRAN,
JUDGE