

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

WP(C).No. 26161 of 2015 (U)

PETITIONER :

**SUDHARMA,
AGED 48 YEARS, W/O.MOHANAN NAIR,
PROPRIETOR, M.S.CASHEWS
ELAVOOR KONAM P.O., KALUVATHUKKAL
RESIDING AT CHITHIRA SADHANAM, VISHNU NAGAR, 72 A
VADAKKEVILA P.O., MUGATHALA, KOLLAM DISTRICT.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH**

RESPONDENTS :

- 1. DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM DISTRICT-691013.**
- 2. REVENUE DIVISIONAL OFFICER,
COLLECTORATE, KOLLAM DISTRICT-691013.**
- 3. TAHSILDAR,
KOLLAM TALUK OFFICE, KOLLAM,
KOLLAM DISTRICT-691013.**
- 4. VILLAGE OFFICER,
KALLUVATHUKKAL VILLAGE,
KOLLAM DISTRICT, PIN-691578.**
- 5. KALLUVATHUKKAL GRAMA PANCHAYATH (SPECIAL GRADE),
KALLUVATHUKKAL P.O., KOLLAM-691578
REP. BY ITS SECRETARY.**
- 6. SENIOR GEOLOGIST,
MINING AND GEOLOGY, DISTRICT OFFICE,
KOLLAM DISTRICT-691001.**
- 7. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, KOLLAM, KOLLAM DISTRICT-691001.**

**R1 TO R4 & R6 BY GOVT. PLEADER SMT. C.K. SHERIN
R7 BY ADV. SRI.M.R.ARUNKUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 A TRUE PHOTOCOPY OF THE SALE DEED NO.1752/2012 DATED
27-4-2012 OF SRO, PARRIPALLY.
- EXT. P2 A TRUE PHOTOCOPY OF THE PERMIT DATED 8/6/2015.
- EXT. P3 A TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATE ISSUED BY
THE 4TH RESPONDENT DT. 27-6-15.
- EXT. P4 A TRUE PHOTOCOPY OF THE ORDER DATED 16.3.2015 FOR THE
CONSTRUCTION BY THE DISTRICT OFFICE OF THE URBAN AND
RURAL PLANNING DEPARTMENT.
- EXT. P5 A TRUE PHOTOCOPY OF THE NOC FROM THE ASSISTANT DIVISIONAL
OFFICER, FIRE AND RESCUE, KOLLAM DT.18.4.2015.
- EXT. P6 A TRUE PHOTOCOPY OF THE CERTIFICATE ISSUED BY THE 4TH
RESPONDENT.
- EXT. P7 A TRUE PHOTOCOPY OF THE CONSENT LETTER FROM VINOD KUMAR
DATED 15.6.2015.
- EXT. P7(a) A TRUE PHOTOCOPY OF THE CONSENT LETTER FROM DHAKSHAYANI
AMMA DATED 17.6.2015.
- EXT. P7(b) A TRUE PHOTOCOPY OF THE CONSENT LETTER FROM
R. SURESH KUMAR DATED 17.6.2015.
- EXT. P8 A TRUE PHOTOCOPY OF THE CERTIFICATE OF THE POLLUTION
CONTROL DATED 1.6.2015.
- EXT. P9 A TRUE PHOTOCOPY OF THE TAX RECEIPT DATED 24.6.2015.
- EXT. P10 A TRUE PHOTOCOPY OF THE CERTIFICATE DATED 12.07.2013 ISSUED
BY THE PANCHAYATH.
- EXT. P11 A TRUE PHOTOCOPY OF THE PETITION DATED 28.11.2014 SUBMITTED
BEFORE THE REVENUE DIVISIONAL OFFICER, KOLLAM.
- EXT. P12 A TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE REVENUE
DIVISIONAL OFFICER TO THE ADDITIONAL TAHSILDAR, KOLLAM
DATED 25.07.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.26161 of 2015

Dated this the 31st day of August, 2015.

J U D G M E N T

The petitioner obtained a building permit from the local authority for putting up a factory building in his property. The petitioner wants to remove earth from the proposed area of construction. The petitioner is seeking a direction to the respondents 3 and 4 to issue reports/certificates to the petitioner to approach the Geologist for demand of removal of earth.

2. The learned Government Pleader submits that the petitioner required to obtain certificates as contemplated under Rule 14 of the Kerala Minor Mineral Concession Rules to approach the Geologist and in order to get permission for the removal of earth, the petitioner requires to obtain NOC from the District Collector. If that be so, if the petitioner makes an application before the District Collector for NOC, the same shall be considered within 3 weeks of receipt of

copy of this judgment. Thereafter, if the petitioner approaches the Geologist for permission, it shall be considered in accordance with law, without any delay, within a further period of 2 months thereafter.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge