

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 26711 of 2015 (L)

PETITIONER:

**SHYLA BEEVI, D/O.SHAHUL HAMEED,
AGED 57 YEARS, RESIDING AT
KUNNUPURATH VEEDU, VAYAKKAL P.O.,
VALAKOM, KOLLAM DISTRICT.**

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
KOLLAM - 691 013.**
- 3. THE GEOLOGIST, MINING AND GEOLOGY,
DISTRICT OFFICE, KOLLAM - 691 001.**
- 4. THE TAHSILDAR, KOTTARAKKARA,
KOLLAM DISTRICT - 691 506.**
- 5. THE VILLAGE OFFICER,
VALAKOM, KOLLAM DISTRICT - 691 532.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 26711 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: TRUE COPY OF THE BUILDING PERMIT NO.5564/14 DATED 18.11.2014
ISSUED BY UMMANNOOR GRAMA PANCHAYATH.**
- EXT.P-2: TRUE COPY OF THE JUDGEMENT DATED 6.3.2015 PASSED BY THIS
HON'BLE COURT IN WPC NO.7082/2015.**
- EXT.P-3: TRUE COPY OF THE ORDER DATED 27.4.2015 ISSUED BY THE
3RD RESPONDENT.**
- EXT.P-4: TRUE COPY OF THE ORDER DATED 29.5.2015 ISSUED BY THE
3RD RESPONDENT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

.....
W.P.(C) No. 26711 of 2015 (L)

.....
Dated this the 10th day of September, 2015

JUDGMENT

The petitioner along with her brother is the owners in possession of 14.98 Ares of property in Sy.No.375/16-3 in Block No.26 of Valakom Village. The petitioner has obtained a building permit for construction of a residential building in the above said property. But the property is about 25 ft. height from the road level and construction can be effected only after removing ordinary earth from the property. By Ext.P4 order, the 3rd respondent granted permission to the petitioner to transport 600 MT earth from her property. The petitioner approached this Court seeking a direction to the 3rd respondent to issue necessary OA forms for transporting the remaining earth from the property and also to extend the time limit.

2. Heard the learned Government Pleader as well.

3. In view of the fact that, the petitioner has already been granted permission to remove 600 MT earth from her property, this Court is of the view that, the time limit for transporting the remaining earth shall be extended for a period of two weeks from the date of receipt of a copy of this judgment. The petitioner shall also be given

necessary OA forms to transfer the remaining quantity of ordinary earth and the number of vehicle need not be restricted for transporting the quantity referred in Ext.P4. Time for transportation is re-scheduled as 9 a.m. to 6 p.m.

With the above observations, this writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

AMV/11/09/