

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 27013 of 2015 (B)

PETITIONER:

**M. KAMALUDHEEN,
S/O.MUHAMMED MUSTHAF,
AGED 52 YEARS, FIRDOUZ, VIKAS NAGAR,
POLYATHODY, KOLLAM.**

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,
CHADAYAMANGALAM VILLAGE,
KOLLAM DISTRICT -691 534.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 27013 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19.11.2014
ISSUED BY THE 5TH RESPONDENT.**
- EXT.P-2: TRUE COPY OF THE BUILDING PERMIT NO.7/13-14 DATED 13.3.2014
ISSUED BY THE CHADAYAMANGALAM GRAMA PANCHAYATH.**
- EXT.P-3: TRUE COPY OF THE BUILDING PERMIT NO.B2/4477/14
DATED 27.10.2014 ISSUED BY THE PANCHAYATH.**
- EXT.P-4: TRUE COPY OF THE LETTER SENT BY THE ASSISTANT ENGINEER,
LSGD, ARATTUPUZHA GRAMA PANCHAYATH DATED 9.3.2015.**
- EXT.P-5: TRUE COPY OF THE APPLICATION DATED 8.5.2015 SUBMITTED BY
THE PETITIONER TO THE 3RD RESPONDENT.**
- EXT.P-6: TRUE COPY OF THE LETTER DATED 8.6.2015 SENT BY THE VILLAGE
OFFICER TO THE 3RD RESPONDENT.**
- EXT.P-7: TRUE COPY OF THE JUDGEMENT DATED 6.3.2015 PASSED BY THIS
HON'BLE COURT IN WPC NO.7082/2015.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27013 of 2015

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Dated this the 8th day of September, 2015

J U D G M E N T

The petitioner is the holder of the Exts.P2 and P3 building permit. Petitioner wants to remove the ordinary earth from the site covered by Exts.P2 and P3.

2. The petitioner, already approached third respondent by Ext.P5. Therefore, there shall be a direction to the third respondent to consider Ext.P5 in the light of Rule 14(1A) of the Kerala Minor Mineral Concession Rules 1967.

2. Petitioner also have a request for permitting to use heavy vehicles for transporting the earth. This matter also to be considered by the Geologist while considering the application in Ext.P5. Needful shall be done within 2 weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

