

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C) .No. 30618 of 2015 (B)

PETITIONER:

SIVARAMAN, AGED 69 YEARS, S/O. AYYAPPANKUTTY,
PALLATH HOUSE, KAIPAMANGALAM, THRISSUR DISTRICT.

BY SRI. RENJITH THAMPAN (SENIOR ADVOCATE.)
ADV. SMT. P. R. REENA

RESPONDENT:

GEOLOGIST,
OFFICE OF THE MINING AND GEOLOGY DEPARTMENT,
THRISSUR, PIN-680003.

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PTO

WP(C) .No.30618 of 2015 (B)

APPENDIX

PETITIONER'S' EXHIBITS

EXHIBIT-P1:TRUE COPY OF THE BASIC TAX RECEIPT ISSUED TO THE
PETITIONER.

EXHIBIT-P2:TRUE COPY OF THE BUILDING PERMIT DATED 08.04.2014
ISSUED BY THE KODUNGALLUR MUNICIPALITY.

EXHIBIT-P3:TRUE COPY OF THE APPLICATION DATED 15.09.2015 FILED BY
THE PETITIONER BEFORE THE RESPONDENT.

EXHIBIT-P4:TRUE COPY OF THE JUDGMENT IN WP(C) NO.6625/2015 DATED
03.03.2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

SVS

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 30618 of 2015

Dated this the 08th day of October, 2015

JUDGMENT

The petitioner is the holder of a building permit for constructing the commercial building having plinth area of more than 5000 square metres. The petitioner stated that while constructing a building, he has removed ordinary earth from the site.

2. According to the petitioner, though the building has plinth area of more than 5000 square metres, he has removed only ordinary earth from lesser extent of area and therefore, he has requirement of O(A) Form to transport the same.

3. Under Rule 14 of the Kerala Minor Mineral Concession Rules, 2015, the petitioner requires a quarrying permit, if the plinth area of the commercial building is more than 300 square metres. Therefore, the learned Government Pleader submits that the petitioner is required a quarrying permit in terms of Rule 14.

4. Under Rule 106 of above Rules, a person is exempted for obtaining quarrying permit if it is extracted for construction of common facilities.

5. This Court is of the view, if the petitioner has already removed, find out whether it is in conformity with Rule 106 of Kerala Minor Mineral Concession Rules, 2015. If the respondent is able to satisfy that the removal is not in violation of Rule 106, necessary O(A) Form shall be issued to the petitioner.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

bpr