

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 34665 of 2015 (G)

PETITIONER:

**MURALI.K, S/O.KILIAPPAN, AGED 31 YEARS,
MURALI NIVAS, MEENKARA P.O., MUTHALAMADA,
CHITTOOR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD DISTRICT - 678 504.**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DISTRICT POLICE CHIEF,
PALAKKAD, PALAKKAD DISTRICT - 678 504.**
- 4. THE DISTRICT COLLECTOR,
PALAKKAD DISTRICT - 678 504.**
- 5. THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT,
GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE AGREEMENT DATED 25/2/2012 EXECUTED BETWEEN THE PETITIONER AND SAID MR.RADHAKRISHNAN.
- P2: TRUE COPY OF THE BASIC TAX REGISTER ISSUED BY THE VILLAGE OFFICER, VALAVANNUR VILLAGE.
- P3: TRUE COPY OF THE POSSESSION CERTIFICATE DATED 25/6/2013.
- P4: TRUE COPY OF THE LETTER DATED 21/3/2013 ISSUED BY THE FIRST RESPONDENT.
- P5: TRUE COPY OF THE JUDGMENT DATED 4/9/2012 IN WPC NO.9667/2012 ON THE FILE OF THIS HONOURABLE COURT.
- P6: TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL OFFICER, VADAVANNOOR DATED 5/1/2012 RECOMMENDING TO INCREASE THE DEPTH OF POND.
- P7: TRUE COPY OF THE CIRCULAR DATED 9/3/2015 ISSUED BY THE SECOND RESPONDENT.
- P8: TRUE COPY OF THE COMMUNICATION DATED 17/9/2015 ISSUED BY THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 34665 of 2015

=====

Dated this the 24th day of November, 2015

J U D G M E N T

The petitioner submits that he has removed the ordinary sand from the pond to increase its depth and the police and revenue officials are interfering with the removal of ordinary sand from the pond.

2. This Court is of the view that the petitioner is entitled to remove the ordinary sand from the pond. If the petitioner is carrying the activity of the renovation of the pond, police and revenue officials shall not interfere in the matter. Therefore the following directions are issued.

The police and revenue officials shall not interfere with the matter, if the petitioner is only engaged in widening or renovating the pond. The Geologist shall issue necessary OA Forms to transport sand after collecting royalty without insisting environmental clearance or quarrying permit. sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

