

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 35472 of 2015 (H)

PETITIONER :

**MANI, S/O.PHILIPOSE, AGED 43 YEARS,
VADAKKEKARACHALUVELIL, KUZHIMATTOM.P.O.,
PANACHIKKADU VILLAGE, KOTTAYAM TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT-686 533**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY, KESAVADASAPURAM,
PATTAM, THIRUVANANTHAPURAM-695 001**
- 3. 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 23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.35472/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE BUILDING PERMIT DATED 29/10/2015 ISSUED BY THE SECRETARY, PANACHIKKADU GRAMA PANCHAYATH.
- P2 COPY OF THE CERTIFICATE DATED 18/11/2015 ISSUED BY THE ENGINEER OF MUNICIPAL ADMINISTRATION, GOVERNMENT OF KERALA.
- P3 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 19/11/2015.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35472 of 2015

Dated this the 23rd day of November, 2015

JUDGMENT

The petitioner, on the strength of Ext.P1 building permit, wants to remove ordinary earth from the site covered by the building permit.

2. The Municipal Engineer has issued a certificate to the effect that 5700 cubic meters of ordinary earth has to be extracted and removed from the site.

In the light of the facts and circumstances, following directions are issued:

- i. The Geologist shall verify whether in the light of Ext.P2, the petitioner is required to remove ordinary earth from the site to the quantity mentioned in Ext.P2.
- ii. If it is satisfied that the petitioner is required to remove 5700 cubic meters of ordinary earth from the site, necessary O(A) forms shall be issued to the petitioner to transport the ordinary earth.
- iii. Needful shall be done within two weeks.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE