

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36051 of 2015 (F)

PETITIONER :

**MANGALASSERY DINESH KUMAR,
S/O. SANKARAN NAIR, AGED 45 YEARS, MANDOKKUNNI
KOTTARAKKUNNU.P.O, VELLAMUNDA VILLAGE,
MANANTHAVADI TALUK, WAYANAD DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND
GEOLOGY WAYANAD DISTRICT - 670 731.**
- 2. THE DIRECTOR, MINING AND GEOLOGY
OFFICE OF THE MINING AND GEOLOGY , KESAVADASAPURAM,
PATTAM, THIRUVANANTHAPURAM 695 001.**
- 3. KERALA STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
DEVIKRIPA, PALLIMUKKU, PETTAH P.O.,
THIRUVANANTHAPURAM - 695 024
REPRESENTED BY ITS MEMBER SECRETARY**
- 4. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.**

BY GOVERNMENT PLEADER SMT. C.R. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** COPY OF THE TAX RECEIPT DATED 25/5/2015 ISSUED BY THE VILLAGE OFFICER, VELLAMUNDA VILLAGE.
- EXHIBIT P2:** COPY OF THE FORWARDING LETTER ISSUED BY THE DISTRICT COLLECTOR, WAYANAD TO THE THIRD RESPONDENT.
- EXHIBIT P3:** COPY OF THE ENVIRONMENTAL CLEARANCE DATED 9/6/2015 ISSUED BY THE THIRD RESPONDENT.
- EXHIBIT P4:** COPY OF THE COMMUNICATION DATED 17/7/2015 ISSUED BY THE EXECUTIVE ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT DIVISION, THRISSUR DISTRICT PANCHAYATH TO THE FIRST RESPONDENT REQUESTING TO ISSUE SUFFICIENT O(A) FORMS TO TRANSPORT ORDINARY EARTH TO THEIR SITE.
- EXHIBIT P5:** COPY OF THE APPLICATION DATED 30/7/2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36051 of 2015

Dated this the 7th day of December, 2015

JUDGMENT

The petitioner has obtained environment clearance for extracting and removing ordinary earth. While applying the time of environment clearance, the petitioner's place of destination was 'school ground'. The petitioner submits that on account of delay, he has to change the destination. The petitioner now refers to the place of destination mentioned in Ext.P4 issued by the Executive Engineer.

In that view of the matter, this Court is of the view that if the place mentioned in Ext.P4 is not forming part of any land included in the draft data bank, necessary permission shall be granted to the petitioner to transport the ordinary earth to the destination as referred in Ext.P4. Needful shall be done within a period of two weeks from the date of receipt of a copy this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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