

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

WP(C).No. 36091 of 2015 (J)

PETITIONER :

SOORAJ, AGED 45 YEARS
S/O.DEVAN, KARUVAPPETTIPURA,
MALAMPUZHA VILLAGE, PALAKKAD DISTRICT

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

1. THE DISTRICT GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT - 680 001
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

R BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 36091 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE BUILDING PERMIT DATED 28.10.2014 ISSUED BY THE SECRETARY,
ALAGAPPANAGAR GRAMA PANCHAYAT

EXT.P2 : COPY OF THE PERMIT ISSUED BY THE FIRST RESPONDENT DATED 9.2.2015

EXT.P3 : COPY OF RECEIPT OF ROYALTY DATED 6.3.2015

EXT.P4 : COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 17.11.2015
BEFORE THE FIRST RESPONDENT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36091 of 2015

Dated this the 30th day of November, 2015

J U D G M E N T

The petitioner has obtained Ext.P1 building permit for the construction of a residential building. The petitioner has also been granted necessary O(A) forms, as per Ext.P2, to transport 900 cubic metres of ordinary earth from the site covered by the building permit. The petitioner has approached this Court seeking a direction to issue necessary O(A) forms to remove the balance earth quantity from the site so as to construct a residential building.

2. Considering the facts and circumstances, this Court is of the view that, the 1st respondent shall conduct an inspection of the site and find out the quantity of earth required to be removed from there to construct the residential building as per the building permit. Thereafter, if necessary, required O(A) forms shall be released to the petitioner within three weeks therefrom. Needless to say that, if any royalty is leviable, the same shall also be collected from the petitioner. Any excess royalty paid shall be adjusted against any amount payable. Geologist shall not restrict the number of vehicles for the purpose of transporting.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.