

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 36485 of 2015 (I)

PETITIONER(S):

**VINOD KUMAR, AGED 34 YEARS,
S/O.RAMACHANDRAN NAIR, KOCHUTHALAPALLIL, 324,
NEDUMKUNNAM-686 542.**

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR,
KOTTAYAM - 686 002.**
- 2. NEDUMKUNNAM GRAMA PANCHAYAT,
NEDUMKUNNAM-686 542.**
- 3. TAHSILDAR,
CHANGANASSERY, TALUK OFFICE, CHANGANASSERY-686 101.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 36485 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : TRUE COPY OF THE POSSESSION CERTIFICATE DT 10-12-2014 SHOWING
POSSESSION OF THE PROPERTY BY THE PETITIONER.**

P2 : TRUE COPY OF THE ORDER DT 29-10-2015 ISSUED BY THE 2ND RESPONDENT.

**P3 : TRUE COPY OF THE APPLICATION DT 10-12-2014 MADE BY THE PETITIONER TO
1ST RESPONDENT SEEKING PERMISSION TO REMOVE EARTH FROM 10 CENTS
OF LAND WITHIN HIS PLOT.**

P4 : TRUE COPY OF THE REPORT OF TAHSILDAR DT 19-12-2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.Muhamed Mustaque, J.

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W.P.(C)No.36485 of 2015

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Dated this the 3rd day of December, 2015.

JUDGMENT

1. Petitioner is the holder of a building permit for constructing residential building in Sy.No.122/8-1 and 122/9 of Nedumkunnam village in Changanacherry.
2. Petitioner wants to extract earth from the ten cents of land in the aforementioned property and transport the same. According to the petitioner, in the light of Rule 14 of the Kerala Minor Mineral Concession (Amendment) Rules, 2012, he is entitled to extract earth and transport the same even without acquiring permit.
3. Therefore, the Geologist, after verifying the genuineness of the same, shall do the needful to issue necessary O/A form, within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Muhamed Mustaque, Judge.

sl.