

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 37096 of 2015 (J)

PETITIONER :

**SUBHADRA, AGED 43 YEARS,
W/O. PRAKASHAN, MANNADISSERIL,
PALLICKAL PANAYIL P.O.,
PALAMEL, MAVELIKKARA.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S):

- 1. THE GEOLOGIST,
GEOLOGY OFFICE,
MINI CIVIL STATION, CHERTHALA, PIN -688 520**
- 2. THE SECRETARY,
PALAMEL GRAMA PANCHAYATH, PALAMEL,
NOORNADU, PIN -690 504**

R1 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 37096 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 COPY OF THE BUILDING PERMIT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.37096/2015**  
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Dated this the 8th Day of December, 2015

J U D G M E N T

The petitioner has approached this Court challenging condition No.3 in the building permit issued to her by the Paramel Grama Panchayat. Condition No.3 is to the effect that the petitioner shall not extract earth from the site based on the building permit.

2. This Court is of the view that the Panchayat cannot impose such a condition. Therefore, if the petitioner wants to extract ordinary earth from the site covered by the building permit, the petitioner being the owner of the building permit has to approach the Geologist, notwithstanding any such condition imposed in the building permit, the Geologist shall consider the application for extraction and removal of ordinary earth from the site covered by the building permit either under Rule 14 or under Rule 106 of the Kerala Minor and Mineral Concession Rules, 2015.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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