

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. 37137 of 2015 (N)

PETITIONER :

**BEERANKUTTY
SON OF KUNJI MOHAMMED, AGED 68 YEARS
RESIDING AT THATTAPARAMBIL HOUSE
MOOTHUR P.O., VATTAMKULAM VILLAGE,
THIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD DISTRICT -679 579.**
- 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.**

R1 TO R3 BY GOVT. PLEADER SMT. C.K. SHERIN

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

Mn

WP(C).No. 37137 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1. TRUE COPY OF THE TAX RECEIPTS OF PROPERTY DATED 26/11/2015
ISSUED BY THE VILLAGE OFFICER, KAPPUR.**
- EXT.P2. TRUE PHOTOGRAPHS OF SAID WASTE OF LATERITE STONE
(LATERITE EARTH) KEEPING IN THE PREMISES.**
- EXT.P3. TRUE COPY OF THE APPLICATION DATED 14/11/2015 SUBMITTED BY
THE PETITIONER BEFORE THE FIRST RESPONDENT**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37137 of 2015

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Dated this the 8th day of December, 2015

J U D G M E N T

The petitioner is the owner of the property comprised in survey No.98/1A and 1B of Kappoor village, Palakkad. He purchased the property in the year 2008. The petitioner submits that even before the purchase his predecessor removed the laterite building stone from the land. It is submitted that after removal of the same waste of laterite stone in the form of laterite earth is keeping in the premises. Therefore he approached the Geologist to issue necessary O.A Form to transport the above minor mineral. Ext.P3 is the application.

2. This Court is of the view that the Geologist shall conduct a site inspection to find out whether these waste of building stone was removed prior to introduction to the Schedule of Kerala Minor Mineral Concession Rules. If it was removed much before the introduction to the Rule, necessarily O.A Form shall be issued to the petitioner without collecting royalty. However it was removed only

after the introduction to the schedule, the Geologist shall issue O.A Form after collecting royalty. Needful shall be done within a period of four weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE