

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. 37140 of 2015 (N)

PETITIONER :

**NAYYOOR MAHALLU MUSLIM JAMA-ATH COMMITTEE
REG.NO.270/200, ANAKKARA P.O., PIN -679 551
KAPOOR VILLAGE, PATTAMBI TALUK, PALAKKAD DISTRICT,
REPRESENTED BY ITS PRESIDENT, ABDULLA MOULAVI,
S/O.ALI AHMED MUSLIYAR, AGED 50 YEARS.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
OFFICE OF DISTRICT GEOLOGY,
PALAKKAD 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.**

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. 37140 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE TAX RECEIPT DATED 25.5.2015 ISSUED BY THE VILLAGE OFFICER, KAPPUR VILLAGE.

EXHIBIT-P2: TRUE PHOTOGRAPHS OF LATERITE SOIL KEEPING IN THE PREMISES OF MOSQUE.

EXHIBIT-P3: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 2.11.2015 BEFORE THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37140 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 a mosque. They have removed the laterite building stone for the purpose of developing burial ground. It is submitted that the waste of the laterite stone is in the form of ordinary earth stored in the premises. They approached the Geologist for issuance of O.A form.

2. This Court is of the view that the petitioner's request shall be considered in terms of Rule 106 of Kerala Minor Mineral Concession Rules after verifying the site by the Geologist. If the petitioner's claim is genuine, necessary O.A Form shall be issued after collecting royalty under Rule 106 of the Kerala Minor Mineral Concession Rules. Needful shall be done within a period of two 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

