

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38336 of 2015 (N)

PETITIONER:

**SUNNY GEORGE, AGED 49 YEARS, S/O.GEORGE,
MALIEKKAL CHETHALAN HOUSE, CHALAKUDY,
THRISSUR DISTRICT.**

**BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE)
ADV. SMT.P.R.REENA**

RESPONDENT:

**GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR, PIN - 680 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 38336 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1. TRUE COPY OF THE BUILDING PERMIT DATED 11.11.15 ISSUED BY
CHALAKUDY MUNICIPALITY.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

W.P.(C).No. 38336 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioner is the holder of the building permit issued by Chalakudy Municipality. It appears that the petitioner without obtaining necessary environmental clearance and quarrying permit had removed the ordinary earth from the site covered by the building permit. The petitioner approached the respondent-Geologist for O.A. Forms, this has been refused.

2. The petitioner's case would not fall within Rule 14 of 106 under the Kerala Minor Mineral Concession Rules. However, it appears that the petitioner's bonafide had removed the earth from the site covered by the building permit.

3. This Court is of the view that the Geologist shall conduct inspection to find out the act of the petitioner is

bonafide. If it was bonafide, necessarily after collecting a royalty and also imposing a fine and also collecting compounding fee, necessary O.A. Forms shall be issued to the petitioner. Needful shall be done 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.

Sd/-

A. MUHAMED MUSTAQUE
JUDGE

bpr