

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38802 of 2015 (A)

PETITIONER(S):

**T.M.H.GRANITES, VARAVATTOOR,
PALLOOR P.O., THALAPPALLY TALUK,
THRISSUR DISTRICT, REPRESENTED BY
MANAGING PARTNER MR.JAMSHID T.H.,
S/O.T.M.ABDUL HAMEED KHAN, AGED 33 YEARS,
THATTATHAZHATH, THRITHALA VILLAGE,
PATTAMBI TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR - 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.M.R.ARUN KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 38802 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF LICENCE ISSUED BY THE SECRETARY DESHAMANGALAM
GRAMA PANCHAYATH DTD.1.7.2015 TO THE PETITIONER.**

**EXT.P2: TRE COPY OF THE CONSENT TO OPERATE DTD.14.7.2015 ISSUED BY THE
KERALA STATE POLLUTION CONTROL BOARD.**

**EXT.P3: TRE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DTD.8.4.2015
IN WPC.NO.10918/2015.**

**EXT.P4: TRUE COPY OF THE ORDER DTD.8.6.2015 ISSUED BY THE FIRST
RESPONDENT TO THE PETITIONER.**

**EXT.P5: TRUE PHOTOGRAPHS OF THE EARTH EXTRACTED AND STACKED ON THE
PREMISES OF THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 38802 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner approached this Court for the renewal of transit permit produced as per Ext.P4. The petitioner submits that he requires to remove the balance ordinary earth stacked in the property.

2. In that view of the matter, the Geologist shall, after verifying the genuineness of the claim of the petitioner and after conducting the site inspection, issue necessary O.A. Forms to the petitioner, without insisting for the production of environmental clearance or NOC from the District Collector. It is made clear that the Geologist need to issue O.A. Forms on satisfied that the same has to be removed for the purpose of construction of crusher unit. However, if any royalty needs to be levied, the same shall also be levied

from the petitioner. Needful shall be done within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr