

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39517 of 2015 (L)

PETITIONER:

**SAJEER, S/O.MOHAMMED BASHEER,
AGED 35 YEARS, SAJNA MANZIL, PANGODE P.O,
PANGODE VILLAGE, NEDUMANGADU TALUK,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM DISTRICT - 695 001.**
- 2. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM -695 001.**
- 3. THE DISTRICT POLICE CHIEF,
THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM DISTRICT-695 001.**
- 4. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM DISTRICT - 695 001.**
- 5. THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 39517 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE AGREEMENT DATED 19.12.2015 EXECUTED BETWEEN THE PETITIONER AND MR.SATHAR.
- P2 - TRUE COPY OF THE BASIC TAX REGISTER ISSUED BY THE VILLAGE OFFICER, PANGODE VILLAGE.
- P3 - TRUE COPY OF THE CIRCULAR DATED 9.3.2015 ISSUED BY THE SECOND RESPONDENT.
- P4 - TRUE COPY OF THE COMMUNICATION DATED 17.9.2015 ISSUED BY THE DISTRICT GEOLOGIST PALAKKAD.
- P5 - TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 24.11.2015 IN WPC NO.34665 OF 2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.39517 of 2015

Dated this the 23rd day of December, 2015

JUDGMENT

The petitioner submits that he has removed the ordinary sand from the pond to increase its depth and the police and revenue officials are interfering with the removal of ordinary sand from the pond.

2. This Court is of the view that the petitioner is entitled to remove the ordinary sand from the pond. If the petitioner is carrying the activity of the renovation of the pond, the police and the revenue officials shall not interfere with the matter.

Therefore, the following directions are issued:

- i. The police and revenue officials shall not interfere with the matter, if the petitioner is only engaged in widening or renovating the pond.

- ii. The Geologist shall issue necessary O(A) Forms
to transport the sand after collecting royalty
without insisting environmental clearance or
quarrying permit.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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