

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. 39617 of 2015 (B)

PETITIONER :

**M.N. CHANDRANATHAN, AGED 57 YEARS,
S/O. NAGARAJAYYA, SHANTHI MANDHIR,
PARIYARAM P.O., WAYANAD DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.NOBEL RAJU**

RESPONDENTS :

- 1. GEOLOGIST
DISTRICT OFFICE, MINING AND GEOLOGY DEPARTMENT,
MEENANAGADI, WAYANAD DISTRICT-673591.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KALPETTA,
WAYANAD DISTRICT-673121.**
- 3. THE TAHSILDAR
TALUK OFFICE, VYTHIRI TALUK,
WAYANAD DISTRICT-673576.**
- 4. THE VILLAGE OFFICER
VILLAGE OFFICE, MUTTIL NORTH VILLAGE
WAYANAD DISTRICT-673122.**
- 5. THE CHIEF EXECUTIVE OFFICER
FISH FARMERS DEVELOPMENT AGENCY, POOKODU
WAYANAD DISTRICT-673572.**
- 6. STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN-695001.**

R1 TO R6 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:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:- A TRUE COPY OF THE RECEIPTS OF PAYMENT OF BASIC TAX ISSUED FROM THE 4TH RESPONDENT DATED 22-5-2015.
- EXHIBIT P2:- A TRUE COPY OF THE POSSESSION CERTIFICATE REGARDING THE PROPERTIES OF THE PETITIONER DATED 3-12-2015.
- EXHIBIT P3:- A TRUE COPY OF THE REPORT PREPARED BY THE 5TH RESPONDENT DATED 7-8-2015.
- EXHIBIT P4:- A SKETCH DATED 29-9-2015 PREPARED BY THE 4TH RESPONDENT REFLECTING THE POSITION OF THE POND.
- EXHIBIT P5:- A TRUE COPY OF THE CIRCULAR/GUIDELINES BEARING NUMBER 896/M3/2015 DATED 9-3-2015 ISSUED BY THE DIRECTORATE OF MINING AND GEOLOGY.
- EXHIBIT P6:- A TRUE COPY OF THE APPLICATION DATED 3-12-2015, SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P7:- A TRUE COPY OF THE REPORT DATED 8-12-2015 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 39617 of 2015

Dated this the 23rd day of December, 2015

J U D G M E N T

The petitioner submits that he is clearing a pond for the purpose of fish farming and therefore, no permit is required in the light of guidelines issued by the Director, Mining and Geology. The petitioner has approached the Geologist for the issuance of necessary O.A. forms to transport ordinary earth removed from the pond.

2. This Court is of the view that Geologist shall inspect and find out whether the petitioner is clearing the pond or not. If it is found that removal of earth is required for the purpose of clearing the pond, 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**

jm/

The words 'earth' and 'O.A.forms' wherever they occur in the judgment dated 23.12.2015 in W.P.(C) No. 39617/2015 are corrected and substituted as 'sand' and 'P forms' respectively as per order dated 19.01.2016 in I.A.No.552/2016 in W.P.(C) No.39617/2015.

Registrar (Judicial)