

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. 39824 of 2015 (C)

PETITIONER(S):

**V.P.MUHAMMED FIROS, AGED 55 YEARS,
S/O.MUAHMED, VALIYAPEEDIYAKKAL HOUSE, ERANJIKODU P.O.,
EDAVANNA VILLAGE, ERANAD TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
MALAPPURAM DISTRICT-676 505.**
- 2. THE VILLAGE OFFICER,
EDAVANNA VILLAGE, MALAPPURAM DISTRICT-678 121.**
- 3. THE ASSISTANT DIRIECTOR OF AGRICULTURE,
MANJERI, MALAPPURAM DISTRICT-678 121.**
- 4. THE DISTRICT POLICE CHIEF,
MALAPPURAM DISTRICT-676 505.**
- 5. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT-676 505.**
- 6. THE DIRECTOR OF MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY, KESAVADASAPURAM,
PATTOM, THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

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

msv/

WP(C).No. 39824 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1.TRUE COPY OF THE TAX RECEIPT OF THE PROPERTY OF THE PETITIONER
DATED 6/8/2014 ISSUED BY THE 2ND RESPONDENT**

**EXT.P2.TRUE COPY OF THE CIRCULAR DATED 9/3/2015 ISSUED BY THE 6TH
RESPONDENT TO ALL CONCERNED GEOLOGISTS IN THE STATE**

**EXT.P3.TRUE COPY OF THE COMMUNICATION DTED 17/9/2015 ISSUED BY THE
DISTRICT GEOLOGIST, PALAKKAD TO ONE MR.MURALI IN A SIMILAR
MATTER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.39824 of 2015

Dated this the 23rd day of December, 2015

JUDGMENT

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

2. This Court is of the view that the petitioner is entitled to remove the ordinary clay 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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