

Jithin James vs Mining and Geology

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Court : Kerala

Decided On : Feb-03-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/546/2022

Appellant : Jithin James

Respondent : Mining and Geology

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,
1943 WP(C) NO. 546 OF 2022 PETITIONER: JITHIN JAMES AGED 31
YEARS SON OF JAMES KUTTY , THADATHIVILA VEEDU, AYUR PO,
691533 KOLLAM, PIN - 691533 BY ADV ARUN MATHEW VADAKKAN
RESPONDENTS: 1 THE DIRECTOR, DEPARTMENT OF MINING AND
GEOLOGY, KESAVADASAPURAM, PATTAM PALACE PO,
THIRUVANANTHAPURAM -695004 THIRUVANANTHAPURAM, PIN -
695004 2 THE GEOLOGIST 3 THE ASSISTANT GEOLOGIST SRI.
SYAMANTHAK-GOVERNMENT PLEADER THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 03.02.2022, THE

COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 3rd day of February, 2022 This writ petition is filed seeking directions to the 2nd respondent to take up Exhibit P7 application and to issue mineral transit passes, within a time limit.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the

petitioner that the petitioner is the owner of 14.17 ares of property in Re-survey No.210/9 (Block No.28) of Edamulakkal Village, Punalur Taluk, Kollam District. The petitioner has obtained Ext.P4 building permit in respect of the property from the concerned Panchayath. It is submitted that the petitioner has also preferred Ext.P7 application before the 2nd respondent seeking permission for removal of ordinary earth and for transit passes in respect of the same. It is submitted that the said application has to be considered by the 2nd respondent without delay. Having considered the contentions advanced and in view of the fact that the petitioner has approached the 2 nd respondent with Ext.P7 application, I am of the opinion that it is for the 2nd respondent to take an appropriate decision on the same. There will, accordingly, be a direction to the 2nd respondent to take up Ext.P7 application submitted by the petitioner and to consider and pass orders on the same, taking specific note of Ext.P4 building permit. Due site inspections shall also be conducted by the 2 nd respondent and orders shall be passed within a period of two months from the date of receipt of a copy of this judgment. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE SSK/03/02 APPENDIX PETITIONER'S EXHIBITS:

TRUE COPY OF THE LAND TAX RECEIPT DATED Exhibit- P1
18.09.2021 ISSUED BY VILLAGE OFFICER,EDAMULAKKAL
VILLAGE,PUNALUR TALUK TRUE COPY OF THE POSSESSION
CERTIFICATE Exhibit- P2 DATED 22.09.2021 ISSUED BY VILLAGE

OFFICER, TRUE COPY OF THE LOCATION SKETCH DATED Exhibit-P3 22.09.2021 ISSUED BY VILLAGE OFFICER, TRUE COPY OF THE BUILDING PERMIT ISSUED TO Exhibit-P4 THE PETITIONER BY THE EDAMULAKKAL GRAMA PANCHAYATH DATED 23.10.2021 TRUE COPY OF THE AFFIDAVIT EXECUTED BY THE Exhibit-P5 PETITIONER BEFORE THE 2ND RESPONDENT DATED 29.11.2021 TRUE COPY OF THE REPORT OF THE VILLAGE Exhibit-P6 OFFICER, EDAMULACKAL DATED 25.11.2021 TO THE 2ND RESPONDENT RESPONDENTS' EXHIBITS: NIL

SSK //TRUE COPY// PA TO JUDGE

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