

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945

WP(C) NO. 22335 OF 2023

PETITIONERS:

- 1 JOHN MATHAI
AGED 68 YEARS, S/O. MATHAI YOHANNAN, VALIYATHAZHAYIL
HOUSE, ELANTHOOR EAST P.O, VARIAPURAM ELANTHOOR VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT., PIN 689643
- 2 LIZY JOHN MATHAI
AGED 65 YEARS, W/O. JOHN MATHAI, VALIYATHAZHAYIL HOUSE,
ELANTHOOR EAST P.O, VARIAPURAM ELANTHOOR VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT., PIN 689643
BY ADVS.
AJITH MURALI
MOHANAN M.K.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANATHAPURAM., PIN - 695001
- 2 THE DISTRICT COLLECTOR
PATHANAMTHITTA DISTRICT., PIN - 689645
- 3 THE REVENUE DIVISIONAL OFFICER
KOZHENCHERRY, PATHANAMTHITTA DISTRICT., PIN - 689645
- 4 THE TAHASILDAR
KOZHENCHERRY TALUK , TALUK OFFICE, MINI CIVIL STATION,
PATHANAMTHITTA , PATHANAMTHITTA DISTRICT., PIN - 689645
- 5 THE VILLAGE OFFICER
ELANTHOOR VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT., PIN - 689513
- 6 ELANTHOOR GRAMA PANCHAYATH
ELANTHOOR GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY,
ELANTHOOR WEST P.O., KOZHENCHERRY TALUK, PATHANAMTHITTA
DISTRICT., PIN - 689513

7 THE SENIOR GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY OFFICE,
ADOOR , PATHANAMTHITTA DISTRICT., PIN - 689645

BY ADV
SMT.DEEPA N - SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31.07.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Dated this the 31st day of July, 2023

The petitioners have approached this Court to command the 7th respondent to consider Ext.P9 request to remove the extracted rock from 1.80 Ares of property in Re-Survey No.281/6 of Elanthoor Village, Kozhencherry Taluk of Pathanamthitta District, for construction of residential building.

2. The petitioners state that they have removed certain rocks from the plot to facilitate the building construction. These rocks will have to be removed from the land and transported out to carry out constructions. The petitioners have submitted Ext.P9 application to the Geologist, Adoor seeking issuance of Mineral Transit Passes for this purpose.

3. Taking into consideration the fact that the petitioners have submitted Ext.P9 application to the Geologist

and it has statutory support, I am of the view that the Geologist shall consider Ext.P9 and take a decision thereon within a period of two weeks.

The writ petition is accordingly disposed of directing the 7th respondent-Geologist to consider Ext.P9 application and pass appropriate orders thereon in accordance with law, within a period of two weeks.

Sd/-

**N.NAGARESH
JUDGE**

ded

APPENDIX OF WP(C) 22335/2023

PETITIONER EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE BUILDING PERMIT
NO.E3-1048/2017 DATED 14.03.2017
ISSUED BY THE 6TH RESPONDENT SECRETARY
OF ELANTHOOR GRAMA PANCHYATH.
- EXHIBIT P2 A TRUE COPY OF THE DEVELOPMENTAL
PERMIT NO.E3-3685/2017 DATED
24.07.2017 ISSUED BY THE 6TH
RESPONDENT.
- EXHIBIT P3 A TRUE COPY OF THE REPORT
NO.767/DOPTA/M/2017 DATED 18.4.2022
PREPARED BY THE 7TH RESPONDENT TO THE
2ND RESPONDENT.
- EXHIBIT P4 A TRUE COPY THE JUDGMENT IN W.P.
(C)NO.25926/2022 OF THIS HONORABLE
COURT DATED 12.12.2022.
- EXHIBIT P5 A TRUE COPY OF THE ORDER NO.B3-
356155/2022 ISSUED BY THE 3RD
RESPONDENT DATED 14.02.2023.
- EXHIBIT P6 A TRUE COPY THE JUDGMENT IN W.P.
(C)NO.11030/2023 OF THIS HONORABLE
COURT DATED 11.04.2023.
- EXHIBIT P7 A TRUE COPY OF THE ORDER NO.B3-
356155/2022 ISSUED BY THE 3RD
RESPONDENT DATED 10.05.2023.
- EXHIBIT P8 A TRUE COPY OF THE ORDER NO.B3-
356155/2022 ISSUED BY THE 3RD
RESPONDENT DATED 14.06.2023.
- EXHIBIT P9 A TRUE COPY OF THE REQUEST DATED
22.06.2023 SUBMITTED BY THE PETITIONER
BEFORE 7TH RESPONDENT.