

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Con.Case(C).No. 165 of 2013 (S) IN WP(C).12150/2007

JUDGMENT IN WP(C) 12150/2007 DATED 21-08-2012

PETITIONER(S)/PETITIONER :-

MANIMALA RIVER PROTECTION COUNCIL,
REPRESENTED BY SECRETARY, GOPINATHA PILLAI,
AGED 60 YEARS, S/O NARAYANAN PILLAI, KOTTANGAL,
KULATHUR, PATHANAMTHITTA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S)/RESPONDENTS :-

1. MR. JOSE CYRIAC, AGED 58 YEARS,
FATHER'S NAME NOT KNOWN TO THE PETITIONER,
SECRETARY TO GOVERNMENT, FOREST DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.
2. AMU.T. GOERGE, AGED ABOUT 50 YEARS
FATHER'S NAME NOT KNOWN TO THE PETITIONER,
VADAKKEMURYIL HOUSE, KOLABHAGAM P.O,
THADIYLOOR - 689 545.

R2 BY ADV. SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)

R1 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
BY SRI.SIBY MATHEW

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN
FINALLY HEARD ON 12-10-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

Cont. Case (C) No.165 of 2013

Dated this the 12th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court alleging non-compliance of the directions issued by this Court as per judgment dated 21.8.2012. By the said judgment, this Court, after considering the contentions urged on behalf of the petitioner, had made the following observations :-

“In the aforesaid circumstances, while we approve the views of the Chief Secretary in paragraph 10 of his affidavit dated 2.4.2011 and direct that strict obedience in compliance to those suggestions shall be immediately obtained, it is further ordered that renewal of any among the permits/licences/consents of the operator Amity Rock Products Pvt. Ltd. in the site in question shall be done only after a complete audit by the departments which are found to be relevant by the Ministry of Environment and Forests in the Government of India. The writ petitions ordered accordingly.”

It is inter alia contended by the petitioner that despite the directions issued by this Court, complete audit by various departments have not been made by the State Government.

2. Affidavit has been filed on behalf of the first respondent inter alia stating that the State Government has insisted for prior

environmental clearance as per Environmental Impact Act 2006 notification for the rock quarrying to be continued by M/s.Amity Rock Products Pvt. Ltd. The application of the petitioner was processed by the State Environmental Impact Assessment Authority and after considering the recommendation of the State Expert Appraisal Committee, environmental clearance was given as per Ext.R1(c). In paragraph 9 of the affidavit it is stated that the environmental clearance has been given by the authority after making necessary inspections, audit and taking note of the recommendations of the State Expert Appraisal Committee. Further in paragraph 10 of the affidavit, it is stated that directions had been issued to the officers concerned to ensure that no pollution or environmental degradation on account of the quarrying activities is going on and reports have been called for periodically.

3. Learned Government Pleader appearing on behalf of the first respondent also submits that on account of the Kerala Minor Mineral Concession Rules, 2015 coming into force, appropriate measures have already been insisted by the Government to obtain environmental clearance before granting permit, on such conditions as may be prescribed.

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4. Having heard the learned counsel for the respondent, we are of the view that in the present case, no willful contempt has been made out by the petitioner. A direction had been issued to grant permit/licence/consent to the operator, M/s.Amity Rock Products Pvt. Ltd, after a complete audit by various departments. Affidavit filed by the first respondent discloses that necessary audit has been conducted before granting environmental clearance. It is also stated that the 2nd respondent is not the owner of M/s.Amity Rock Products Pvt. Ltd.

Having regard to the aforesaid factual situation, we do not think that a case of willful contempt has been made out on the allegations raised in the contempt petition. Accordingly, the contempt case is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE