

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

OP.No. 17805 of 2000 (T)

PETITIONER(S):

**P.J.THOMASKUTTY, PROPRIETOR
MODERN ROCK MINING INDUSTRIES
KANNAMTHANATHU, VADASSERIKKARA
PATHANAMTHITTA**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.P.SREEKUMAR**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
PATHANAMTHITTA**
- 2. THE SECRETARY, VADASSERIKKARA GRAMA PANCHAYAT,
PATHANAMTHITTA**

ADDL.R3 & R4 IMPEADED

- 3. SHAJI V.THOMAS, AGED 45
S/O. P.T.THOMAS,
PAREL HOUSE, KUMPALAMPAIKA PO,
PATHANAMTHITTA DISTRICT 689 661**
- 4. P.T. KUNJUMON, S/O THEVAN,
PALANILKUNNATHIL HOUSE
KOMBANOLI, KUMPALAMPAIKA PO,
PATHANAMTHITTA**

**ARE IMPEADED AS ADDL. RESPONDENTS 3 & 4 AS PER ORDER IN
CMP.32545/2000**

ADDL.R5 IMPEADED

- 5. K.G.SAMUEL KUTTY, AGED 52 YEARS
S/O VARGHESE, KALKUNNATH, THALACHIRA, KUMBONOLI
PATHANAMTHITTA DISTRICT**

**IS IMPEADED AS ADDL.R5 AS PER ORDER DATED 13.07.2000 IN CMP
NO.33057/2000**

**BY ADV. SRI.V.PHILIP MATHEW
ADV. SRI.V.N.ACHUTHA KURUP
R1 BY ADV. P.V.ELIAS, GOVERNMENT PLEADER**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JV

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF THE LICENSE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER'S UNIT
- P2 : COPY OF THE CONSENT RENEWAL ORDER ISSUED BY THE ENVIRONMENTAL ENGINEER.
- P3 : COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND SRI P.J.JOSEPH AND COPY OF EXPLOSIVE LICENSE
- P3 : COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND SRI P.J. JOSEPH AND COPY OF EXPLOSIVE LICENSE
- P4 : COPY OF THE CERTIFICATE ISSUED BY THE 1ST RESPONDENT
- P5 : COPY OF THE RECEIPT IN RESPECT OF REMITTANCE OF ROYALTY BY THE PETITIONER
- P6 : COPY OF THE ORDER DT.01.09.95 IN WA 1673/94
- P7 : COPY OF THE COMMUNICATION NO.30131/93 DT.08.03.2000 DIRECTING THE PETITIONER TO STOP FUNCTIONING THE UNIT
- P8 : COPY OF THE NOTICE NO.30131/93 DT.05.06.2000 ISSUED BY THE 1ST RESPONDENT
- P9 : COPY OF THE PETITION DT.20.06.2000 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- P10 : COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DT.20.05.2000
- P11 : COPY OF THE QUARRYING PERMIT ISSUED OT THE PETITIONER

RESPONDENTS' EXHIBITS:

- R3(A) : COPY OF THE PRAYER PORTION OF OP.8141/2000
- R3(B) : COPY OF THE JUDGMENT IN OP.8141/2000
- R3(C) : COPY OF THE CIRCULAR NO.7923/G3/98 DT.25.10.98 FROM THE DEPT. OF HEALTH & FAMILY WELFARE
- R3(D) : COPY OF THE AGREEMENT ENTERED INTO PETITION AND MR.P.JJOSEPH PRODUCED IN OP.8141/2000
- R3(E) : COPY OF THE STATEMENT FILED ON BEHALF OF THE 1ST RESPONDENT AND R.D.O. IN OP NO.8141/2000
- R3(F) : COPY OF THE MINUTES OF MEETING HELD ON 20.05.2000 CONVENED BY THE 1ST RESPONDENT
- R3(G) : COPY OF THE RESOLUTION TAKEN ON 13.12.99 BY THE VADASSERIKKARA GRAMA PANCHAYAT

- R3(H) : COPY OF THE LETTER DT.14.12.99 COMMUNICATING EXT.E3(G) TO PETITIONER BY THE PANCHAYATH
- R3(I) : COPY OF THE RELEVANT PORTION OF HTE LIST PUBLISHED BY THIS HONOURABLE COURT DT.10.07.2000
- R3(J) : COPY OF THE AFFIDAVIT OF MR.N.K.SIVANKUTTY, MEMBER OF VADASSERIKKARA PANCHAYAT WARD NO.IV
- R3(K) : COPY OF THE AFFIDAVIT OF MR.T.C.ALEX, MEMBER OF VADASSERIKKARA PANCHAYAT WARD NO.V
- R5(1) : COPY OF THE LEETTER DT.17.07.2000OF 5TH RESPONDENT TO THE 2ND RESPONDENT
- R5(2) : COPY OF THE LETTER DTR.19.07.20000 OF THE 5TH RESPONDENT TO THE 2ND RESPONDENT

//TRUE COPY//

P.A. TO JUDGE

ANIL K. NARENDRA, J.

O.P.No.17805 of 2000

Dated this the 23rd day of June, 2015

JUDGMENT

The petitioner has filed this original petition seeking a writ of certiorari to quash Ext.P7 order passed by the 1st respondent dated 08.03.2000 and for other consequential reliefs.

2. From the judges' papers in O.P. No.8141/2000 it is seen that challenging the very same order, the petitioner had earlier approached this Court in that writ petition, which was dismissed as withdrawn by judgment dated 19.06.2000. When the judgment in O.P.No.8141/2000 was pointed out to the learned counsel for the petitioner, he sought time to get instructions.

3. Today, when the case was taken up for further consideration, the learned counsel for the petitioner would submit that the matter has become infructuous and the same may be dismissed as such.

4. Considering the fact that for the very same reliefs, the petitioner had earlier approached this Court in O.P.No.8141/2000, which was dismissed as withdrawn by

judgment dated 19.06.2000, the present original petition filed by the petitioner, i.e., OP No.17805/2000 is not maintainable in law and it can only be dismissed.

In the result, O.P.No.17805/2000 is dismissed. No order to cost.

JV

SD/-
ANIL K. NARENDRAN,
JUDGE