

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

RP.No. 46 of 2015 (W)

JUDGMENT DATED IN 12-12-2014 IN WP(C) 33590/2014

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REVIEW PETITIONER(S)/PETITIONER:

**A.G.MADHAVAN, AGED 39 YEARS,
S/O LATE GOPINATHAN, MANAGING DIRECTOR,
VENGUNADAU GRANITE & SNADS (P) LTD., ANAKETTIMEDU,
GOVINDAPURAM POST, PALAKKAD DISTRICT.**

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S)/RESPONDENTS:

- 1. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,
PALAKKAD - 678 001.**
- 2. THE DIRECTOR,
DEPARTMENT OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM - 695 001.**
- 3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF KERALA,
ENVIRONMENT DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 4. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY SENIOR ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE, PALAKKAD - 678 001.**

**R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.V.VIJULAL
R4 BY SRI. M.AJAY, SC**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RPNo. 46 of 2015 (W)

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1: TRUE COPY OF THE NOTIFICATION DATED 10.3.2013 ISSUED BY THE
MINISTRY OF ENVIRONMENT AND FORESTS, GOVERNMENT OF INDIA.**

**ANNEXURE 2: CERTIFIED COPY OF THE JUDGMENT DATED 12.12.2014 OF THIS
HON'BLE COURT IN WP(C) NO.33590/2014.**

**ANNEXURE 3: TRUE COPY OF THE ORDER DATED 9.1.2015 PASSED BY THE
4TH RESPONDENT.**

**ANNEXURE 4: TRUE COPY OF THE JUDGMENT DATED 18.9.2014 IN WP(C) NO.24180
OF 2014 PASSED BY THIS HON'BLE COURT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.
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R.P.No.46 of 2015
in
W.P(C).No.33590 of 2014
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Dated this the 19th day of January, 2015

ORDER

This review is filed by the petitioner aggrieved by the consequential order passed by the Pollution Control Board produced as Annexure-3. Petitioner points out that in view of the omission to direct the Pollution Control Board to consider the application for renewal, if the property does not fall within the specified area in accordance with ecologically sensitive area notification, there is an error apparent in the judgment, as the Pollution Control Board noted in Annexure-3 order that final order on draft notification is yet to be published by the Ministry of Environment and Forest and therefore, the application has to be kept pending for final orders from Government. Petitioner approached this Court to review the judgment dated 12.12.2014.

2. In the facts and circumstances, I am of the view that as per the present state of affairs based on the draft notification, this area does not fall within the ecologically sensitive area, the application has to be considered in accordance with law. Therefore the judgment is reviewed to the extent of directing the Pollution

Control Board to consider whether the property is a ecologically sensitive area or not as per draft notification. If the area does not fall within the ecologically sensitive area as per draft notification, necessarily the application has to be taken up and disposed of in accordance with law.

The review petition is disposed of.

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/22/01/15