

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

RP.No. 147 of 2015

AGAINST THE JUDGMENT IN W.P.(C).NO.31271/2014, DATED 11-12-2014

REVIEW PETITIONER(S)/PETITIONER :

**TINSON JOHN,
MANAGING PARTNER, M/S.AISWARYA GRANITES,
ARKKANNOR P.O, ELAMADU, KOTTARAKKARA TALUK,
KOLLAM DISTRICT, KERALA- 691 533.**

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENT(S)/RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF ENVIRONMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
KERALA, PALLIMUKKU, PETTAH P.O,
THIRUVANANTHAPURAM- 695 024, REPRESENTED BY ITS
MEMBER SECRETARY.**
- 3. STATE EXPERT APPRAISAL COMMITTEE,
REPRESENTED BY ITS SECRETARY & DIRECTOR OF ENVIRONMENT
AND CLIMATE CHANGE, DEPARTMENT OF ENVIRONMENT AND
CLIMATE CHANGE, PALLIMUKKU, PETTAH P.O,
THIRUVANANTHAPURAM- 695 204.**

BY SR.GOVERNMENT PLEADER SRI.M.A.FAYAZ

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 26-03-2015, ALONG WITH RP.NO.274 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

A.MUHAMED MUSTAQUE, J.

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**R.P.Nos.147/2015 & 274/2015**

**in**

**W.P.(C).No.31271/2014**  
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Dated this the 26th Day of March, 2015

O R D E R

The State filed review 274/2015. The writ petitioner filed the review 147/2015. Both are being disposed by a common order.

2. The reason for filing review petition by the State is that this Court committed apparent mistake in reckoning extent of the quarrying area for the purpose of categorization. The writ petitioner filed the review petition stating that the Government failed to constitute a committee and the petitioner may be permitted to proceed as though environment clearance has been granted.

3. The total extent of the quarrying area is mentioned in the report of the Village Officer produced as Ext.P16. The attempt of the learned Government Pleader is to bring land being used for storing ordinary earth and quarrying waste also within the area of mining area. Those lands which are not used for

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actual mining cannot be considered as part of the mining area. In that view of the matter the review petition filed by the Government is dismissed.

4. In regard to the review petition filed by the writ petitioner, this Court need not review the judgment as there is no apparent error or mistake. If the writ petitioner has any remedy on account of non consideration of the application within time, that can be worked out independently. Hence, the review petition filed by the review petitioner is also dismissed.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

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PS to Judge