

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

RP.No. 927 of 2015 (W)

JUDGMENT DATED 25-09-2015 IN WP(C) 24789/2015.

REVIEW PETITIONER(S)/RESPONDENT NO.6 & 7 IN W.P.(C) 24789/15.:

- 1. P.V. SANTHOSH, AGED 51, S/O.VELAYUDHAN,
PROPRIETOR, M/S.S.N.GRANITES,
PANDIRIKKOTTIL HOUSE, NORTH MUZHAVANNOOR P.O,
CHEENIKUZH, ERNAKULAM-686 689.**
- 2. SANJU KRISHNAN, AGED 30,
S/O.KRISHNAN, PANDIRIKKOTTIL HOUSE,
NORTH MUZHAVANNOOR P.O, CHEENIKUZH,
ERNAKULAM-686 689.**

BY ADV. SRI.PRAVEEN K. JOY

RESPONDENT(S)/PETITIONERS & RESPONDENTS IN WPC 24789/15:

- 1. K.K. MOHAMMED, AGED 55,
S/O.KUNJUPILLAI, KARUVILLY HOUSE, VENGOL P.O,
PERUMANI-683 556.**
- 2. UNION OF INDIA,
REPRESENTED BY MINISTRY OF ENVIRONMENT,
FOREST & CLIMATE CHANGE, 4TH FLOOR,
AAKASH BLOCK, INDIRA PARAYAVARAN BHAWAN,
NEW DELHI-110 003.**
- 3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF ENVIRONMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 4. THE KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE (ERNAKULAM-II), 1ST FLOOR,
MANNA RESIDENCY, MC ROAD, PERUMBAYOOR,
ERNAKULAM, PIN-683 542.**

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5. SENIOR GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, CIVIL STATION, KAKKANAD,
ERNAKULAM, KOCHI-30.
 6. MAZHUVANNOOR GRAMA PANCHAYATH,
NORTH MAZHUVANNOOR P.O, ERNAKULAM-686 689,
REPRESENTED BY ITS SECRETARY.

R1 BY ADV.SRI.S.RENJITH
R2 BY SRI.JAGADEESH LAKSHMAN, CGC
R3 & R5 BY GOVERNMENT PLEADER
R4 BY SRI. M.AJAY, SC
R6 BY ADV. SRI.JOHN K.GEORGE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE 1 : THE TRUE PHOTOCOPY OF THE GOVERNMENT ORDER DATED 5.10.15.
- ANNEXURE 2 : THE TRUE PHOTOCOPY OF THE LICENCE DATED 29.5.2015 OF MAZHUVANNOOR GRAMA PANCHAYATH.
- ANNEXURE 3 : THE TRUE PHOTOCOPY OF THE QUARRYING PERMIT DATED 5.6.2015 OF GEOLOGIST ERNAKULAM.
- ANNEXURE 4 : THE TRUE PHOTOCOPY OF THE CONSENT TO OPERATE ISSUED DATED 3.6.15 OF KERALA STATE POLLUTION CONTROL BOARD.
- ANNEXURE 5 : THE TRUE PHOTOCOPY OF THE QUARRYING PERMIT DATED 19.12.2012 OF GEOLOGIST ERNAKULAM.
- ANNEXURE 6 : THE TRUE COPY OF THE QUARRYING PERMIT DATED 29.10.2010 OF GEOLOGIST, ERNAKULAM.
- ANNEXURE 7 : THE TRUE PHOTOCOPY OF THE LICENCE OF JOINT CHIEF CONTROLLER OF EXPLOSIVES CHENNAI DATED 23.1.2013.
- ANNEXURE 8 : THE TRUE PHOTOCOPY OF THE PERMIT DATED 5.6.15 OF GEOLOGIST.
- ANNEXURE 9 : THE TRUE PHOTOCOPY OF THE LICENCE DATED 29.5.2015 OF MAZHAVANNOOR GRAMA PANCHAYATH.
- ANNEXURE 10 : THE TRUE PHOTOCOPY OF THE CONSENT DATED 3.6.15 OF THE POLLUTION CONTROL BOARD.
- ANNEXURE 11 : THE TRUE PHOTOCOPY OF THE LICENCE FOR POSSESSION DATED 1.5.14 OF DEPUTY CHIEF CONTROLLER EXPLOSIVE.
- ANNEXURE 12 : THE TRUE PHOTOCOPY OF THE QUARRYING PERMIT DATED 24.10.11 OF GEOLOGIST, ERNAKULAM.
- ANNEXURE 13 : THE TRUE COPY OF THE QUARRYING PERMIT DATED 19.12.12 OF GEOLOGIST, ERNAKULAM.
- ANNEXURE 14 : THE TRUE COPY OF THE QUARRYING PERMIT DATED 21.12.13 OF GEOLOGIST, ERNAKULAM.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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R.P No. 927 of 2015

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Dated this the 27th day of October, 2015

J U D G M E N T

This review petition is at the instance of the party respondents in the writ petition. This Court while disposing the writ petition ordered that the party respondents cannot operate the quarry without obtaining environmental clearance. The petitioners relies on Anx.I amendment of rules and submitted that in view of the amended rule they are entitled to operate quarry.

2. This Court is of the view that subsequent amendment having fundamental bearing upon the judgment, requires judgment to be reviewed. Therefore the judgment is reviewed and the original petition is restored to file.

Sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE