

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 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WA.No. 928 of 2015 () IN WP(C).7781/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 7781/2015 of HIGH COURT OF KERALA
DATED 25-03-2015**

APPELLANT(S)/6TH RESPONDENT:-:

**M K NAJEEB
S/O.HASSAINAR, MANNEGAL KANNANTHODI HOUSE, PALOOR
PULAMANTHOLE P.O., MALAPPURAM DISTRICT - 679 323.**

**BY ADVS.SRI.SIRAJ KAROLY
SRI.R.PARAMESWARA IYER**

RESPONDENT(S)/PETITIONER & RESPONDENTS 1 TO 5:-:

- 1. SHOUKKATH ALI, AGED 32 YEARS
S/O.MOHAMMED ALI C., CHARALIL HOUSE, NORTH PALOOR
PULAMANTHOLE P.O., MALAPPURAM DISTRICT - 679 323.**
- 2. MINISTRY OF ENVIRONMENT AND FORESTS
PARYAVARAN BHAVAN, CGO COMPLEX, LODHI ROAD
NEW DELHI - 110 003, REPRESENTED BY ITS SECRETARY.**
- 3. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF ENVIRONMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 4. THE GEOLOGIST
THE GEOLOGIST, DISTRICT OFFICE, MINI CIVIL STATION
MANJERI P.O., MALAPPURAM - 676 121.**
- 5. THE DISTRICT COLLECTOR
CIVIL STATION
MALAPPURAM DISTRICT - 676 505.**
- 6. THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, MALAPPURAM - 676 505.**

**BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL
BY SRI.P.G.SURESH
BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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

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W.A. No. 928 of 2015

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Dated this, the 25th day of May, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard Sri.Devan Ramachandran, learned counsel for the appellant and the learned Government Pleader appearing for the respondents.

2. This writ appeal has been filed against order dated 25th of March, 2015 in W.P (C) No. 7781/15, by which order, the appellant, who was the 6th respondent in the writ petition, was restrained from carrying any further quarrying operation. Appellant's case is that subsequent to the order dated 25th of March, 2015, another order was passed in the writ petition on 17th of April, 2015 by which the Geologist was directed to consider the application for renewal of quarrying permit and thereafter Geologist has already renewed the permit after hearing the writ petitioner. He has produced the said order along with IA

-:2:-

No.627/15. Learned counsel for the writ petitioner submits that he has not been communicated any order and further it is yet to be examined considering other issues as to whether 6th respondent, who is the appellant, is entitled to carry on the quarrying operation and the effect of the judgment of the Division Bench reported in ***All Kerala River Protection Council, Aluva v. State of Kerala & Ors.*** (2015 (2) KHC 359) is also to be considered.

3. In the facts of the present case, we are of the view that ends of justice deserve in closing this writ appeal with liberty to the appellant to produce all subsequent orders including orders passed by the Geologist before the learned single Judge with a prayer for modifying or vacating the restraint order dated 25th of March, 2015. Learned single Judge after hearing the writ petitioner may also pass appropriate orders.

With the above observations, the writ appeal is disposed of.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp