

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 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WA.No. 2490 of 2015 ()

(AGAINST THE JUDGMENT IN WP(C).NO. 16150/2015 DATED 23-09-2015)

APPELLANT/PETITIONER:

**THOMAS SCARIA @ THOMACHAN,
S/O.SCARIA, CHERUNILATH HOUSE, EZHACHERY(P.O),
KOTTAYAM DISTRICT.**

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENT/RESPONDENTS:

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- 1. THE SENIOR GEOLOGIST,
DISTRICT OFFICE OF MINING AND GEOLOGY,
COLLECTORATE, KOTTAYAM, PIN-686 002.**
 - 2. THE RAMAPURAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, RAMAPURAM BAZAR(P.O),
KOTTAYAM DISTRICT, PIN-686 576.**
 - 3. BENNY THOMAS,
URULUPADIKKAL HOUSE, RAMAPURAM BAZAR(P.O),
KOTTAYAM DISTRICT, PIN-686 576.**

**R1 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R2 BY ADV. SRI.P.C.HARIDAS
R3 BY ADV. SRI.DEVAN RAMACHANDRAN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 2490 of 2015

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Dated this, the 23rd day of November, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard. This writ appeal has been filed against judgment dated 23rd September, 2015 by which judgment, learned Single Judge has disposed of the writ petition filed by the writ petitioner.

2. Petitioner had filed the writ petition seeking for a direction to the 1st respondent to consider the contentions raised in Ext.P1 representation filed by the petitioner and others while considering the application for renewal of quarrying permit to the 3rd respondent for running the quarry and to insist the 3rd respondent to obtain environmental clearance from the State Environment Impact Assessing Authority. Learned Single Judge has disposed of the writ petition with the following observation in para (2);

“2. It is admitted now that the permit and licence for operating quarry of the third respondent have

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expired. The third respondent cannot operate quarry without obtaining quarrying licence. The third respondent is free to move an application for renewal of quarrying licence and also for obtaining necessary permission for operating the quarry in accordance with law. It is made clear that the third respondent shall not operate quarry without obtaining permission under law."

3. Learned counsel for the appellant submits that the learned Single Judge ought to have considered the various contentions urged in the representation and ought to have issued direction for renewal on the conditions as was required to be fulfilled under law.

4. We are of the view that learned Single Judge has already observed that the 3rd respondent shall not operate quarry without obtaining permission under law. Petitioner wants an adjudication of an issue which has not yet arisen. Admittedly, no renewal has yet been granted. Petitioner shall have any cause of action only if renewal is granted to the 3rd respondent. We are of the view that it was not necessary for the learned Single Judge to advert to various contentions raised in the representation at this

W.A. No.2940/15

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stage. We do not find any error in the judgment warranting interference by the appellate Court. This judgment, however, shall not preclude the petitioner/appellant to take such proceedings as permissible under law.

Writ appeal is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp23/11/2015

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PS to Judge