

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 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

W.A.NO. 2518 OF 2015 IN WP(C).25153/2015

APPELLANT(S)/APPELLANTS/PETITIONERS:

1. ANIE BABU, AGED 51 YEARS
W/O.BABU, ALACKAL HOUSE, VANATHICHIRA.P.O
KAVILUMPARA, KOZHIKODE DISTRICT, PIN-673513.
 2. THRESSIA, AGED 65 YEARS
W/O.JOSEPH, PONTHOTTIYIL HOUSE, VANNATHICHIRA.P.O
KAVILUMPARA, KOZHIKODE DISTRICT, PIN-673513.
 3. SHOBHA, AGED 51 YEARS
W/O./KUMARAN, MARUTHERI KALAYIL HOUSE
VANNATHICHIRA.P.O, KAVILUMPARA, KOZHIKODE DISTRICT
PIN-673513.
 4. THRESSIA, AGED 66 YEARS
W/O.PAILY, PONTHOTTIYIL HOUSE, VANNATHICHIRA.P.O
KAVILUMPARA, KOZHIKODE DISTRICT, PIN-673513.
- BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
INDUSTRIES DEPARTMENT, THIRUVANANTHAPURAM.
2. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM
PATTOM PALACE.P.O, THIRUVANANTHAPURAM-695004.

W.A.NO. 2518 OF 2015 IN WP(C).25153/2015

3. THE DISTRICT COLLECTOR,
KOZHIKODE.

4. THE DISTRICT GEOLOGIST,
KOZHIKODE.

5. THE ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE OF THE KERALA STATE
POLLUTION CONTROL BOARD
3RD FLOOR, ZAMORIN'S SQUARE, LINK ROAD
KOZHIKODE-673002.

6. MARUTHONKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

7. SMILE.M.ANTO,
MANGALASSERY HOUSE, MARUTHONKARA.P.O, KAVILUMPARA
KOZHIKODE DISTRICT, PIN-673513.

8. SMILE.M.ANTO,
MANGALASSERY HOUSE, MARUTHONKARA.P.O, KAVILUMPARA
KOZHIKODE DISTRICT, PIN-673513.

BY SENIOR GOVERNMENT PLEADER SHRI C.S. MANILAL
R BY SRI.R.PARTHASARATHY
R BY SRI.VINOD MADHAVAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 26.11.2015
ALONG WITH W.A. NO.2519 OF 2015, THE COURT ON 07.12.2015
DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J.

and

A.M. SHAFFIQUE, J.

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W.A. Nos.2518 & 2519 of 2015

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Dated this the 07th day of December, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Writ Appeal No.2518 of 2015 is filed against interlocutory order dated 06.11.2015 passed in I.A. No.16089 of 2015 in W.P(C) No.25153 of 2015. The above I.A. was filed by the 7th respondent seeking modification of the interim order dated 14.09.2015 passed in the Writ Petition on the strength of Notification dated 05.10.2015. Learned Single Judge has observed that the Geologist shall consider the 7th respondent's request for quarrying permit in the light of Government Order dated 05.10.2015.

2. Writ Appeal No.2519 of 2015 has been filed against interlocutory order dated 11.11.2015 in W.P.(C)

No.12620 of 2015 and connected case by which order on a submission made by the 6th respondent on the strength of Government Order dated 05.10.2015, the Court had observed that the Geologist shall take appropriate decision as to whether the Government Order would apply or not. The interim order was modified accordingly.

3. By our judgment of the date in W.P(C) No.34463 of 2015 and connected cases, we have already held that Notification dated 05.10.2015 by which amendment was made to Rule 12 of the 2015 Rules is unconstitutional.

4. In view of the above, it is open for the Writ Petitioners to file appropriate applications in the pending Writ Petitions or to bring to the notice of the Geologist while he takes a decision as directed in the interlocutory application.

5. These Writ Appeals have not yet been admitted nor we have issued notice to the respondents.

In view of the above, the Writ Appeals are not entertained and are closed with the observation as made above.

**ASHOK BHUSHAN,
CHIEF JUSTICE.**

**A.M. SHAFFIQUE,
JUDGE.**

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