

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No.4145 of 2012 (P)

PETITIONERS :

1. GEORGE,
S/O.ABRAHAM, MANJAKKUNNEL HOUSE, ARAKKULAM P.O.,
MOOLAMATTAM, IDUKKI DISTRICT.
2. THANKACHAN,
S/O.GEORGE, KUNNEL HOUSE, ARAKKULAM P.O.,
MOOLAMATTAM, IDUKKI DISTRICT.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS :

1. THE SUB INSPECTOR, KANJAR POLICE STATION,
KUDAYATHUR P.O., IDUKKI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
R.D.O. OFFICE, COLLECTORATE, KUYILIMALA,
IDUKKI.
3. THE DISTRICT COLLECTOR,
IDUKKI, CIVIL STATION, IDUKKI.
4. KUDAYATHUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KUDAYATHUR P.O.,
PIN-685590.
5. BYJU AUGUSTINE,
PULIYANIKKAL HOUSE, ARAKKULAM P.O., MOOLAMATTAM,
IDUKKI DISTRICT.

R5 BY ADV. SRI.A.C.DEVASIA

R4 BY ADV. SRI.C.K.JACOB

BY GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No.4145/2012

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1 TRUE COPY OF THE STOP MEMO DATED 6/2/2012 ISSUED BY THE
PANCHAYATH.

EXT.P2 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE
R1 DATED 17/2/2012.

RESPONDENTS' EXHIBITS : NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.4145 of 2012

Dated this the 15th day of October, 2015

JUDGMENT

The petitioners, who are residents of Kudayathur Panchayat in Idukki District, have filed this writ petition seeking a writ of mandamus commanding respondents 1 to 4 not to permit the 5th respondent to conduct quarrying without necessary statutory licences/permissions/consent and No Objection Certificates, etc. under the Air (Prevention and Control of Pollution) Act, 1981, the Explosives Act, 1884, the Explosives Rules, 1983, the Mines and Minerals (Regulation and Development) Act, 1957, etc. and seeking a writ of mandamus commanding respondents 1 to 4 to ensure that no quarrying or blasting operation is being conducted by the 5th respondent without getting permission/licence from the Panchayat.

2. By order dated 21.2.2012 this Court passed an interim order directing respondents 1 to 3 to ensure that the 5th respondent shall not conduct any illegal quarrying without proper licences/permits/consent, etc.

3. Today when the case was taken up for further consideration the learned counsel for the 5th respondent would submit that the 5th respondent is not conducting any quarrying operation in the property in question and that he has already made an application before the Panchayat, the Mining and Geology Department and also other statutory departments for obtaining licences/permissions/consent for running the granite quarry in question.

In such circumstances, this writ petition is disposed of in terms of the interim order passed by this Court on 21.2.2012. But it is made clear that, this judgment will not stand in the Department of Mining and Geology and other statutory authorities considering the application, if any, submitted by the 5th respondent for conducting quarry in the property in question, in accordance with law.

Sd/-

ANIL K.NARENDRA, JUDGE

skj

True copy

P.A to Judge