

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 977 of 2015 (V)

PETITIONER(S) :

JOBY M.CHACKO,
MYLATTUMPOOLAYIL HOUSE,
ADIMALI.P.O.,
IDUKKI DISTRICT.

BY ADVS.SRI.MATHEW A KUZHALANADAN
SMT.VINEETHA V.KUMAR.

RESPONDENT(S) :

1. GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE,
IDUKKI-685 553.
2. DIRECTOR OF MINING AND GEOLOGY,
DEPARTMENT OF MINING AND GEOLOGY, KERALA,
THIRUVANANTHAPURAM - 695 001.
3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
MINING AND GEOLOGY DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

BY ADVOCATE GENERAL SRI.K.P.DANDAPANI &
SPECIAL GOVERNMENT PLEADER SRI.C.S.MANILAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/02/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1- TRUE COPY OF THE QUARRYING PERMIT NO.CRPS-61/13-14/GBS/DOI/752/M/13, DATED 23.11.13.
- EXT. P2- TRUE COPY OF THE LICENCE DATED 23.8.2014 ISSUED BY ADIMALY GRAMA PANCHAYATH.
- EXT. P2 (A) - TRUE COPY OF THE EXPLOSIVE LICENSE DATED 14/11/2011.
- EXT. P2 (B) - TRUE COPY OF THE CONSENT NO.PCB/IDK/ICO-R1/443/2013, DATED 25.11.2013.
- EXT. P3- TRUE COPY OF THE RENEWAL APPLICATION SUBMITTED BY THE PETITIONER.
- EXT. P4- TRUE COPY OF THE ORDER DTD. 11.12.2014 IN W.P[C] NO.31177/2014 PASSED BY THIS HON'BLE COURT.
- EXT. P4 (A) - TRUE COPY OF THE PERMIT NO.CRPS.37/14-15/GBS/DOI/1274/M/2014, DTD. 21.11.14 ISSUED BY THE 1ST RESPONDENT.
- EXT. P5- TRUE COPY OF THE ORDER DATED 16.12.2014 IN W.P[C] NO.6361/2014 PASSED BY THIS HON'BLE COURT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

ASHOK BHUSHAN, Ag.C.J.
&
A.M. SHAFFIQUE, J.

W.P.(C) No.977 of 2015

Dated this the 11th day of February, 2015

JUDGMENT

Shaffique, J.

This writ petition is filed seeking the following reliefs:

i. To issue a writ in the nature of mandamus or any other writ directing the 1st respondent to comply with Ext.P4 interim directions passed by this Hon'ble Court;

ii. To issue a writ in the nature of mandamus or any other writ, order or direction to declare that Ext.P5 directions do not affect the compliance of Ext.P4 direction passed by this Hon'ble Court;

iii. To declare that the petitioner is eligible to continue the quarrying operations in the strength of Ext.P1, P2 (series), P3 and other relevant documents; and

iv. Issue such other writ, direction or order that this Hon'ble Court may deem fit, just and necessary in the facts and circumstances of the case.

2. Exts.P4 is an interim order issued by this Court and Ext.P5 is another interim order issued by the Division Bench of this Court. There cannot be a writ issued for compliance with the directions issued by this Court. Further relief prayed for is

to permit the petitioner to proceed with the quarrying operations based on Exts.P1, P2 (series) and P3. All the permits/licence has already expired.

3. Under such circumstances, the petitioner is not entitled for any reliefs sought for in the writ petition.

The writ petition is dismissed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

//true copy//

P.S. To Judge

st/-