

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 1140 of 2015 (N)

PETITIONER :

**K.MURUGAN, S/O.APPUTTY, AGED 50 YEARS,
KAKKADATH HOUSE, CHERUVANNUR P.O.,
FEROKE, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.N.SHAMSUL HUDA**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF ENVIRONMENT AND FOREST,
PARIYAVARAN BHAVAN, CGO COMPLEX, LODHI ROAD,
NEW DELHI-110 003.**
- 2. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF ENVIRONMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 3. GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE,
CIVIL STATION, KOZHIKODE-673 020.**
- 4. DIRECTOR OF MINING AND GEOLOGY,
MINING AND GEOLOGY DEPARTMENT, KESAVADASAPURAM,
PATTOM P.O., THIRUVANANTHAPURAM-695 004.**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 TO R4 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE PHOTOCOPY OF THE MEMORANDUM AND ARTICLES OF ASSOCIATION OF M/S.STANDARD TILE & CLAY (PRIVATE) LIMITED.
- EXT.P2. TRUE COPY OF THE TRADE MARK REGISTRATION DATED 11/2/2008 OF M/S.STANDARD TILE & CLAY (PRIVATE) LIMITED UNDER SECTION 23(2), FROM THE TRADE MARKS REGISTRY OF THE GOVERNMENT OF INDIA
- EXT.P3. TRUE COPY OF THE LICENCE DATED 24/12/2013 VALID UP TO 31/12/2014 ISSUED TO M/S. STANDARD TILE & CLAY (PRIVATE) LIMITED BY THE DEPARTMENT OF FACTORIES AND BOILERS UNDER THE 2ND RESPONDENT
- EXT.P4. TRUE COPY OF THE REGISTRATION DATED 10/8/2007 OBTAINED BY M/S.STANDARD TILE & CLAY (PRIVATE) LIMITED UNDER THE KERALA VALUE ADDED TAX RULES.
- EXT.P5. TRUE COPY OF THE CONSENT NO.PCB/KKD/DO/IOC/2082/2011 DATED 2/12/2011 VALID UP TO 30/11/2014 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXT.P6 TRUE COPY OF THE PROCEEDINGS OF THE GENERAL MANAGER OF M/S. STANDARD TILE & CLAY (PRIVATE) LIMITED PERTAINING TO THE APPOINTMENT OF THE PETITIONER AS MANAGING DIRECTOR.
- EXT.P7. TRUE COPY OF THE PERMIT NO.19/11-12/M.M./B.C/D.O.Z/M. - 359/2011 DATED 18/5/2011 ISSUED BY THE 3RD RESPONDENT
- EXT.P8. TRUE COPY OF THE PERMIT NO.34/11-12/M.M./B.C/D.O.Z/M. - 2110/2011 DATED 8/3/2012 ISSUED BY THE 3RD RESPONDENT
- EXT.P8(A). TRUE COPY OF THE PERMIT NO.49/13-14/M.M./B.C/D.O.Z/M. - 2350/2012 DATED 3/4/2013 ISSUED BY THE 3RD RESPONDENT
- EXT.P9. TRUE COPY OF THE APPLICATION DATED 12/2/2014 SUBMITTED BY M/S.STANDARD TILE & CLAY (PRIVATE) LIMITED BEFORE THE 3RD RESPONDENT
- EXT.P10. TRUE COPY OF THE RELEVANT PORTION OF ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION 2006, ISSUED BY THE 1ST RESPONDENT AS PER S.O.NO.1533 DATED 14/9/2006, PUBLISHED IN THE GAZETTE OF INDIA DATED 14/9/2006.
- EXT.P11. TRUE COPY OF THE OFFICE MEMORANDUM DATED 24/6/2013 ISSUED BY THE 1ST RESPONDENT.

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- EXT.P11(A). TRUE COPY OF THE OFFICE MEMORANDUM NO.J-13012/12/2013-IA-II(I)
DATED 24/12/2013 ISSUED BY THE 1ST RESPONDENT
- EXT.P12 TRUE COPY OF THE ORDER NO.7935/M2/2013 DATED 21/3/2014 ISSUED
BY THE 4TH RESPONDENT
- EXT.P13. TRUE COPY OF THE PROCEEDINGS NO.D.O.Z/M.745/14 DATED
27/3/2014 ISSUED BY THE 3RD RESPONDENT
- EXT.P14. TRUE COPY OF THE REPRESENTATION DATED 10/5/2014 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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Dated this the 19th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. issue a writ of certiorari or any other appropriate order or direction quashing Ext.P12 order of the 4th respondent and Ext.P13 proceeding of the 3rd respondent;*
- ii. issue a writ of mandamus or any other appropriate order or direction commanding the 3rd respondent to re-consider Ext.P9 application and to issue the necessary permission for the collection of brick earth for the purpose of M/s. Standard Tile & Clay Works (Private) Limited;*
- iii. Issue any appropriate writ, order or direction declaring that no environmental clearance is required for the collection of brick earth from an area of less than 5 hectares, as insisted in Exts.P10, P11 and P11(a), and hence the condition insisted by the 4th respondent in Ext.P12 is erroneous and unsustainable in law;*
- iv. Issue such other writ, order or direction which may deem fit in the facts and circumstances of the case."*

2. The learned counsel for the petitioner submits that, the grievance of the petitioner has already been projected by way of

Ext.P14 before the 2nd respondent and that the petitioner will be satisfied, if a direction is given to the said respondent to have it considered and finalized within a reasonable time.

3. Heard the learned Government Pleader as well.

4. In view of the limited extent of relief sought for, this Court does not find it necessary to go through the merits of the case. The writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P14, in accordance with law, after affording an opportunity of hearing to the petitioner. It shall be done, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.