

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 1202 of 2015 (A)

PETITIONER(S) :

THAMPI. O.T., AGED 56 YEARS,
S/O.PAULOSE, OLIMATTATHIL HOUSE,
VARANGUM CHUVADUBHAGAM, EDAKKATTUVAYAL VILLAGE,
EDAKKATTUVAYAL, ERNAKULAM.

BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY (REVENUE),
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2. EDAKKATTUVAYAL GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, EDAKKATTUVAYAL P.O.,
ERNAKULAM DISTRICT. PIN-682 313.

3. THE DISTRICT COLLECTOR OF ERNAKULAM,
CIVIL STATION, KAKKANAD.P.O., ERNAKULAM,
COCHIN-682 030.

4. THE MINING AND GEOLOGY,
KAKKANAD CIVIL STATION, ERNAKULAM, COCHIN-682 030.

5. THE KERALA STATE POLLUTION CONTROL BOARD,
GANDHI NAGAR, ERNAKULAM, DIVISION-20,
REPRESENTED BY ITS CHIEF ENVIRONMENTAL ENGINEER.

6. THE SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION, ERNAKULAM.

7. K.P.MATHEWS,
S/O.PAILY, KALAGARAYIL HOUSE, EDAKKATTUVAYAL.P.O.,
PIN-682 313.

ADDL: 8. SANTHOSH.E.G., S/O. GOVINDAN,
AGED 42 YEARS, EDAYODIYIL HOUSE,
CHETHICODE P.O.,
ARAKKUNNAM (VIA),
ERNAKULAM DISTRICT,
PIN-682 315.

ADDITIONAL R8 IS IMPEADED AS PER ORDER DATED
21/1/2015 IN I.A.NO.963 OF 2015.

R7 BY ADV. SRI.GEO PAUL
R7 BY ADV. SRI.SANU MATHEW
R7 BY ADV. SRI.C.R.PRAMOD
R7 BY ADV. SRI.S.ASHOK KUMAR.
R7 BY ADV. SRI.RADHIKA RAJASEKHARAN P.
R7 BY ADV. SRI.LENIN P. SUKUMARAN
R7 BY ADV. SRI.JERRY VARGHESE
RADDL.R8 BY ADV. SRI.ANIL S.RAJ
RADDL.R8 BY ADV. SMT.K.N.RAJANI
RADDL.R8 BY ADV. SMT.ANILA PETER
RADDL.R8 BY ADV. SRI.J.VIVEK GEORGE
R1,R3,R4 & R7 BY GOVERNMENT PLEADER
SRI. MUHAMMED SHAFI.M.
R5 BY SRI. M. AJAY, SC, KERALA STATE
POLLUTION CONTROL BO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 09-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C) .No. 1202 of 2015 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS:

P1- A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE THE DISTRICT COLLECTOR ERNAKULAM DATED 31.12.14.

P2- A TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF
THE DISTRICT COLLECTOR DATED 31.12.14.

P3- A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE, THE POLLUTION CONTROL BOARD DATED 31.12.2014.

P4- A TRUE COPY OF THE RECEIPT ISSUED BY THE OFFICE OF
THE POLLUTION CONTROL BOARD.

P5- A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE THE MINING AND GEOLOGY DATED 31.12.2014.

P6- A TRUE COPY OF THE INFORMATION GIVEN BY THE SECRETARY
EDAKKATTUVAYAL GRAMA PANCHAYATH TO THE PETITIONER DATED
31.12.2014.

P7- A TRUE COPY OF THE ORDER IN WP[C] 38750/2010 OF THIS
HONOURABLE COURT DATED 11.8.2011.

P8- A TRUE COPY OF THE ORDER IN W.P[C]NO.38750/2010 DATED
1.6.11.

P9- A TRUE COPY OF THE ORDER IN WP(C)NO.38750/2010 DATED
20.8.2011.

RESPONDENT(S) ' EXHIBITS:

K. HARILAL, J.

W.P.(c) No.1202 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

The learned Government Pleader submits that the licence for quarrying operation issued to the 7th and 8th respondents has become inoperative on 9/2/2015 by the expiry of the licence period. Unless the licence is renewed, the 7th and 8th respondents have no right to continue the quarrying operation. The learned Government Pleader also submits that the licence will be renewed after getting all statutory permissions from the competent authorities.

2. In the above view of the matter, this writ petition has also become infructuous. This observation is approved by the learned counsel appearing for the

petitioner and the learned counsel for the 7th and 8th respondents. Consequently, this writ petition will stand dismissed as infructuous. It is made clear that the petitioner is at liberty to move the Court on fresh cause of action.

Sd/-

(K. HARILAL, JUDGE)

Nan/

//true copy//

P.S. to Judge