

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 2647 of 2015 (E)

PETITIONER :

**SREEKALA O.P., AGED 45 YEARS,
D/O. PRABHAKARAN NAIR, SARANGI, MARAPPALAM,
PATTOM P.O., THIRUVANANTHAPURAM - 695 004.**

BY ADV. SRI.PANOOP (MULAVANA)

RESPONDENT(S):

- 1. STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
DIRECTORATE OF ENVIRONMENT, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MEMBER SECRETARY - 695 001.**
- 2. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM-695 044**
- 3. THE GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
THIRUVANANTHAPURAM DISTRICT - 695 044.**
- 4. THE VILLAGE OFFICER,
PEROORKADA, THIRUVANANTHAPURAM-695 044**
- 5. THE SUB INSPECTOR OF POLICE,
VATTIYOORKAVU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.PIN-695 044**

R1 TO R5 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 2647 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE ENVIRONMENT CLEARANCE NO.
525/SEIAA/KL/3829/2014 DATED 31/10/2014 ISSUED BY THE 2ND
RESPONDENT.**

**EXHIBIT-P2- TRUE COPY OF THE ORDER NO. 257/2014-15/3139/DOT/ML/2014 DATED
07/01/2015 BY THE 5TH RESPONDENT.**

**EXHIBIT-P3- TRUE COPY OF THE STOP MEMO NO. 189/2015 DATED 23/01/2015 BY
THE 6TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2647 of 2015

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Dated, this the 29th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (i) Call for the records relating to Ext. P3 stop memo and issue a writ of certiorari and quash the same.
- (ii) Issue a writ of mandamus directing the 3rd respondent to further extend the period of Ext. P2 for removal of 2000 M³ of ordinary earth from 24.10 ares of land of the petitioner comprised in Sy. No. 324/01, 324/02, 324/28, 324/29 in Peroorkkada village.
- (iii) Declare that the 4th respondent has no authority to issue Ext. P3 stop memo as per Kerala Minor Minerals Concession Rules 1967.
- (iv) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. The learned counsel for the petitioner submits that petitioner has obtained Ext. P1 environmental clearance issued by the first respondent for removal of 2000 M³ of ordinary earth from the property of the petitioner and her sister having an extent of 24.10

ares of land comprised in Sy. Nos. 324/01, 324/02, 324/28, 324/29 in Peroorkkada village. It is stated that the said property is a dry land and that, on the basis of Ext. P1, the 3rd respondent issued Ext. P2 order dated 07.01.2015 enabling the petitioner to transport ordinary earth excavated from the property. It was in the course of such operation, that the 4th respondent intervened and issued Ext. P3 stop memo dated 23.01.2015, stating that some conditions in the Environmental Clearance/permit have been violated by the petitioner; particulars of which have not been revealed to the petitioner, as discernible from Ext. P3. This made the petitioner to approach this Court by filing the present writ petition.

3. Heard the learned Government Pleader, who submits that Ext. P3 order was issued on the basis of the instructions given from the office of the second respondent, on bringing the instances of violation to the notice of the said respondent.

4. On going through Ext. P3, which condition in Exts. P1 or P2 is allegedly violated by the petitioner, is not discernible. If there is any violation of conditions in Exts. P1 and P2, it is always open for the concerned respondent to take appropriate action in

accordance with law. Violation if any, shall be brought to the notice of the concerned authority and after affording an opportunity of hearing to the petitioner, the proceedings shall be finalized. Without prejudice to the rights and liberties of the 3rd respondent, in this regard, Ext. P3 is set aside as the same is not correct or sustainable in the eye of law.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

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