

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 2805 of 2015 (A)

PETITIONER(S):

**CANCER AND ALLIED AILMENTS RESEARCH FOUNDATION
(CARE FOUNDATION), REG. NO.S.273/2011, CHOOLOOR,
POOLAKODE, VELLALASSERY POST, KOZHIKODE,
REPRESENTED BY ITS SECRETARY.**

**BY ADVS.SRI.B.S.SWATHY KUMAR,
SRI.A.K.RAJESH,
SRI.VENKATESH GOPI.**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
NEW DELHI, PIN:110 001.**
- 2. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN:695 001.**

**R1 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
R2 BY SR. GOVT. PLEADER SMT.ANITHA RAVINDRAN.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 2805 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: TRUE COPY OF THE REGISTRATION CERTIFICATE NO.273/2011
DATED 30.03.2011.**

**EXHIBIT P2: TRUE COPY OF THE COVERING LETTER NO.NO.CARE 172/2014
DATED 14.08.2014.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 2805 of 2015

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i) to declare that in the absence State Expert Appraisal Committee and the State Environment Impact Assessment Authority the respondents are liable to appoint any competent officer to assess the environmental impact of the petitioner's project and issue the certificate forthwith;*
- ii) issue a writ of mandamus or any other appropriate writ, order or direction commanding and compelling the respondents to appoint State Expert Appraisal Committee and the State Environment Impact Assessment Authority within a month failing which permission may be granted to the petitioner to commence the construction of the hospital building.*
- iii) to issue a writ of mandamus or any other appropriate writ, order or direction commanding and compelling the respondents to consider and pass orders of Ext.P2 within a month;*
- iv) issue such other appropriate writ order or direction as this Honourable Court may deem fit and proper to meet the ends of justice."*

2. The learned counsel for the petitioner submits that, the concerned committee has already been constituted as per the

notification dated 19.03.2015 and the first meeting of the committee has been scheduled on 09.04.2015. In the above circumstance, it is stated that, the petitioner would be satisfied, if a direction is given to consider Ext.P2 by the concerned committee, within a specified time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to go into the merit of the case. The writ petition is disposed of, directing the concerned committee to consider Ext.P2, in accordance with law. It shall be done, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned committee for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.