

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 2835 of 2015 (D)

PETITIONER(S) :

**JYOTHISH, AGED 30 YEARS,
S/O.RAMANUJAN, PATHUPARAYIL HOUSE, EDAVATTOM P.O,
K.S.MANGALAM VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM DISTRICT-686 605.**
- 2. KERALA STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU, PETTA P.O., THIRUVANANTHAPURAM-695 024,
REPRESENTED BY ITS CHAIRMAN.**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
ENVIRONMENT & CLIMATE CHANGE DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SRI.MOHAMMED SAHFI.M

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 2835 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 05.11.2014
IS ISSUED BY THE DISTRICT COLLECTOR, KOTTAYAM.**

**EXHIBIT-P2: TRUE COPY OF THE APPLICATION DATED 08.01.2015 SUBMITTED BY
THE PETITIONER BEFORE THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2835 of 2015

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Dated, this the 12th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- "1. Issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to receive and consider Ext. P2 application submitted by the petitioner on the strength of Exhibit P1 no objection certificate without insisting environmental clearance certificate from the State Environmental Impact Assessment Authority.
2. Declare that the activities intended to do by the petitioner that is removal of ordinary sand and refill the land with ordinary earth does not requires environmental clearance or permit/licence from the department of mining and geology.
3. Declare that the first respondent has no authority to insist for environmental clearance certificate till constitution of board for issuing said certificate by the State Government.

4. Direct the third respondent to appoint an authority to consider the application of the petitioner under Rule 57 (1) of the Kerala Minor Mineral Concession Rules and direct the said authority to consider the request of the petitioner under Rule 57 (1) within a reasonable period which this honourable court may deem fit and proper.

5. Issue such other writ, orders or directions which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner might be permitted to withdraw the writ petition with liberty to challenge the impugned proceedings with reference to the position as on date.

Permission is granted.

The Writ Petition is dismissed as withdrawn.

Sd/-

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

kmd

/True copy/

P.A. To Judge