

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 3224 of 2015 (C)

PETITIONER:

P.J.JOSEPH, PUTHOOR HOUSE,
THOTTAMON, RANNI P.O
PATHANAMTHITTA DT.

BY ADVS.SRI.THAMPAN THOMAS
SRI.B.V.JOY SANKER
SRI.SHAFFIE THOMAS
SRI.SANEESH KUNJUNJH
SMT.JANCY ALEX
SRI.JACOB CHACKO
SRI.THARUN THANKACHEN PERUMAL

RESPONDENTS:

1. THE PATHANAMTHITTA MUNICIPALITY,
PATHANAMTHITTA REP. BY ITS SECRETARY 689 672.
2. SECRETARY,
THE PATHANAMTHITTA MUNICIPALITY
PATHANAMTHITTA 689 672.

BY SRI.V.K.SUNIL

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

APPENDIX IN WPC 3224/2015

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF THE PERMIT DATED 25.9.2014 ISSUED BY THE MINING & GEOLOGY DEPARTMENT, DISTRICT OFFICE, PATHANAMTHITTA

EXT. P2 TRUE COPY OF THE EXPLOSIVES LICENCE ISSUED FROM THE EXPLOSIVES DEPARTMENT

EXT. P3 TRUE COPY OF THE SHORT FIRER'S LICENCE DATED 25.3.2010 ISSUED FROM THE EXPLOSIVES DEPARTMENT

EXT. P4 TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY DATED 20.10.2014 BY THE POLLUTION CONTROL BOARD

EXT. P5 TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT EVIDENCING THE RECEIPT OF APPLICATION FOR QUARRYING PERMIT DATED 10.12.2014

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.3224 of 2015 C

Dated this the 2nd day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, with a view to operating a quarry in Sy.No.58/10-5 of Pathanamthitta Village, Ranni Taluk, the petitioner is said to have applied for D & O licence on 10.12.2014 to the second respondent. Ventilating his grievance that despite strict statutory compliance, so far the respondent Municipality has not issued the licence, the petitioner has filed the present writ petition.

3. The learned Standing Counsel for the respondents has submitted that if the application, said to have been

submitted by the petitioner, is in order, the respondents will take every step to consider the same and pass appropriate orders thereon expeditiously.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel, this Court disposes of the writ petition with a direction to the second respondent to consider petitioner's application for D & O licence as expeditiously as possible, especially in the light of the fact that Exhibit P1 licence is to expire on 09.02.2015. At any rate, if the licence expires before the petitioner's application could be disposed of, the petitioner is at liberty to file renewed licence before the authorities, if necessary.

Dama Seshadri Naidu, Judge

tkv