

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 3697 of 2015 (S)

PETITIONER(S) :

CHOLAMALA PROTECTION SAMITHI AGED 35 YEARS
PADAYAMKALLU, DARKAS P.O., KASARGOD DISTRICT
PIN - 671 533, REPRESENTED BY ITS SECRETARY

BY ADV. SRI.A.G.BASIL

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.

2. BALAL GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
BALAL P.O., KASARGOD DISTRICT, PIN - 671 533

3. STATION HOUSE OFFIER,
VELLARIKUND POLICE STATION
VELLARIKUND, KASARGOD DISTRICT, PIN - 671 533

4. DISTRICT COLLECTOR, KASARGOD,
PIN - 671 121

5. KERALA STATE POLLUTION CONTROL BOARD
KANNANGAD, KASARGOD DISTRICT. PIN - 671 315

6. SECRETARY TO GOVERNMENT
MINISTRY OF ENVIRONMENT AND FOREST
GOVERNMENT OF INDIA, PARIYAVARAN BHAVAN
NEW DELHI -110001

7. CHIEF CONTROLLER OF EXPLOSIVES,
GOVERNMENT OF INDIA, MINISTRY OF COMMERCE

AND INDUSTRY, PETROLEUM AND EXPLOSIVES SAFETY
ORGANIZATION (PESO)
KENDRIYA BHAVAN, BLOCK C2, 3RD BLOCK
CSEZ P.O., KAKKANAD, ERNAKULAM DISTRICT
PIN - 682 037.

8. DIRECTOR OF MINING AND GEOLOGY,
GEOLOGY DEPARTMENT, GOVERNMENT OF KEALA,
KESAVADASAPURAM, PATTAM PALACE P.O.
THIRUVANANTHAPURAM - 695 004.

9. M/S.MALOM QUARRY AND CRUSHERS, AMMENA MANZIL
REPRESENTED BY ITS MANAGING DIRECTOR
BALAL GRAMA PANCHAYATH, KASARGOD DISTRICT
PIN - 671 533

10. K.T.MUHAMMED HUDAIFF, AGED 37 YEARS
S/O.C.V.N.MEMIHAJI, ERIKKUR VILLAGE, ERIKKUR P.O.
AMMENA MANZIL, SIDDIQ NAGAR, KANNUR DISTRICT.

11. DIVISIONAL FOREST OFFICER
KANNUR DISTRICT, KANNUR

R6 & 7 BY ADV. SRI.N.NAGARESH,ASG

BY GOVERNMENT PLEADER SRI. SUJITH MATHEW JOSE
BY SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER FOR R6

BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 3697 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- PHOTOGRAPH OF THE STREAM FLOWING VERY NEAR
TO THE QUARRY IS PRODUCED HERewith AND MARKED

P2- PHOTOGRAPH OF THE QUARRY OWNED AND OCCUPIED
BY THE RESPONDENT 9 AND 10

P3- TRUE COPY OF THE PETITION SUBMITTED BY THE
PETITIONER ON 6.12.2014 TO THE DISTRICT
COLLECTOR

P3(A)- TRUE COPY OF HTE ENGLISH TRANSLATION OF
EXT.P3

P4- TRUE COPY OF THE SITE PLAN OF THE EXPLOSIVE
MAGAZINE

P5- TRUE COPY OF THE JUDGMENT DATED 27.2.2012 IN
DEEPAK KUMAR AND OTHERS V. STATE OF HARYANA AND
OTHER, REPORTED IN (2012) KHC 4150

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. (C)No. 3697 of 2015 –B
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Dated this the 5th day of February 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the petitioner as well as the learned Government Pleader. Notice need not be issued to private respondents in view of the order being passed.

2. By this Writ Petition , the petitioner has come up raising grievance regarding the functioning of the quarry owned and operated by respondents 9 and 10. It is submitted that renewal of the quarry license has not been permitted as per the law laid down by the Apex Court in Deepak Kumar and Others v. State of Haryana and Another – 2012 KHC 4150. In this context, the

petitioner had already approached the District Collector by submitting representation dated 6-12-2014.

3. Being the authority, the District Collector is competent to look into the grievance of the petitioner. Hence, we see no reason to keep the Writ Petition pending. The petitioner may pursue the matter before the Collector, who may look into the matter and take appropriate decision.

With the above observation, this Writ Petition is disposed of.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFIQUE,
JUDGE

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/truecopy/

P.S.toJudge