

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 7004 of 2013 (A)

PETITIONER(S):

1. KRISHNAN KUNJUMON,
S/O.KRISHNAN, KAROTINJAPUZHAYIL HOUSE,
MAZHAVANOOR NORTH, AIRAPURAM, MAZHAVANOOR.P.O
PIN-686669.

2. REMA,
W/O.KUNJUMON, KAROTINJAPUZHAYIL HOUSE,
KAZHAVANOOR NORTH, AIRAPURAM, MAZHAVANOOR.P.O
PIN-686669.

BY ADVS.SRI.LEGY ABRAHAM
SRI.RAGHAVAKUMAR.V.S.

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
ERNAKULAM COLLECTORATE, CIVIL STATION,
KAKKANAD, COCHIN-682030.

2. THE TAHSILDAR,
KUNNATHUNADU, PERUMBAVOOR.P.O, PIN-683010.

3. THE VILLAGE OFFICER,
AIRAPURAM VILLAGE, AIRAPURAM.P.O, PIN-683541.

4. S.GOPINATHAN,
M/S HARSHAD ENTERPRISES, ALAKKAMUKALIL HOUSE,
NORTHMAZHUVANNOOR KILIKULAM, MAZHUVANNOOR.P.O,
PIN-686669.

5. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, GANDHI NAGAR, COCHIN-682020.

6. THE MAZHUVANNOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, AIRAPURAM.P.O
PIN-686669.

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**7. THE GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE,
CIVIL STATION, KAKKANAD, COCHIN-682030.**

R1-3 & 7 BY GOVERNMENT PLEADER SRI.GIKKU JACOB

R4 BY ADVS. SRI.V.V.SIDHARTHAN (SR.)

SRI.D.G.VIPIN

SRI.KAROL MATHEWS SEBASTIAN ALENCHERRY

R5 BY ADV. SRI. M.AJAY, SC

R6 BY ADV. SRI.JOHN K.GEORGE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXT-P1 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT
DTD.2.2.13**

**EXT-P2 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 5TH RESPONDENT
DTD.2.2.13**

**EXT-P3 TRUE COPY OF THE COMPLAINT FILED BEFORE THE REVENUE DIVISIONAL
OFFICER, MUVATTUPUZHA DTD.**

**EXT-P4 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 2ND RESPONDENT
DTD.2-2-13**

**EXT-P5 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 3RD RESPONDENT
DTD.2-2-13**

**EXT-P6 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 6TH RESPONDENT
DTD.2-2-13**

**EXT-P7 TRUE COPY OF COMPLAINT FILE BEFORE THE 7TH RESPONDENT
DTD.2-2-13**

**EXT-P8 TRUE COPY OF THE ORDER NO.D.O.E/4636/E2/12 DTD.27-12-2012 OF THE
7TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS

**EXT.R4(A): TRUE COPY OF THE REPORT DATED 27/2/13 ISSUED BY THE
VILLAGE OFFICER, IRAPURAM TO THE RDO MUVATTUPUZHA
TOGETHER WITH THE COMPLAINT OBTAINED UNDER THE RIGHT TO
INFORMATION ACT.**

**EXT.R4(B): TRUE COPY OF THE ORDER NO.592/05-06/9792/M3/05 DATED 20/1/06
ISSUED BY THE DIRECTOR OF MINING & GEOLOGY, KERALA**

**EXT.R4(C): TRUE COPY OF THE SQUARRYING LEASE DEED DATED 2/2/06 WITH
THE STATE GOVERNMENT**

**EXT.R4(D): TRUE COPY OF THE ORDER NO.239/10-11/2733/M3/2010 DATED 7/7/10
ISSUED BY THE DIRECTOR OF MINING & GEOLOGY, KERALA**

EXT.R4(E): TRUE COPY OF THE QUARRYING LEASE DEED DATED 21/7/10

**EXT.R4(F): TRUE COPY OF CERTIFICATE NO.142/013-14/RMCU/EKM/3144/M3/2013
DATED 30/3/13 ISSUED BY THE DIRECTOR OF MINING & GEOLOGY**

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- EXT.R4(G): TRUE COPY OF THE LICENCE NO.E/SCKL/22/40(E 11052) ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES
- EXT.R4(H): TRUE COPY OF THE LICENCE NO.C3/1364/13/67 DATED 10/4/13 ISSUED BY MAZHUVANNUR GRAMA PANCHAYATH
- EXT.R4(I): TRUE COPY OF THE CONSENT NO.PCB/DO-EKM/ICE-CR-R1/39/2012 DATED 26/9/12 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD
- EXT.R4(J): TRUE COPY OF THE CONSENT NO.PCB/EKM/IAO-24/07 DATED 19/12/12 ISSUED BY KERALA STATE POLLUTION CONTROL BOARD
- EXT.R4(K): TRUE COPY OF THE JUDGMENT DATED 8/2/12 IN WPC.16770/11 OF THE HON'BLE HIGH COURT OF KERALA
- EXT.R4(L): TRUE COPY OF THE JOINT PETITION DATED 21/6/08 FILED BY S GOPINATHAN & OTHERS BEFORE THE DY.S.P.CRIME DETECTION ALUVA
- EXT.R4(M): TRUE COPY OF THE PETITION DATED 20/2/13 ILED BY THE R6 BEFORE THE DY.S.P.PERUMBAVOOR
- EXT.R4(N): TRUE COPY OF THE ORDER DATED 24/10/09 ISSUED BY THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTION, THIRUVANANTHAPURAM IN OP.1474/08
- EXT.R4(O): TRUE COPY OF THE ORDER DATED 21/1/10 IN OP.1474/08 OF THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTUTION THIRUVANANTHAPURAM
- EXT.R4(P): TRUE COPY OF THE ORDER DATED 28/12/11 IN OP.741/11 ISSUED BY THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS THIRUVANANTHAPURAM
- EXT.R4(Q): TRUE COPY OF THE FINAL REPORT DATED 14/2/08 FILED BY THE CIRCLE INSPECTOR OF POLICE, KUNNATHUNADU BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT KOLENCHERRY
- EXT.R4(R): TRUE COPY OF THE JUDGMENT DATED 2/7/13 IN WPC.7719/13
- EXT.R4(S): TRUE COPY OF THE JUDGMENT DATED 2/9/15 IN WPC.24381/15
- EXT.R4(T): TRUE COPY OF THE CONSENT NO.PCB/EKM/DO2/1CO-QR/R2/9/2015 ISSUED BY THE KJERALA STATE POLLUTION CONTROL BOARD FOR THE QUARRY
- EXT.R4(U): TRUE COPY OF CONSENT NO.PCB/EKM/DO2/ICO/CR-R1-10-2015 WITH REGARDS TO THE OPERATION OF THE CRUSHER UNIT WHICH IS VALID UPTO 30/6/18.

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- EXT.R4(V): TRUE COPY OF THE LICENSE ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES SOUTH CIRCLE, CHENNAI**
- EXT.R4(W): TRUE COPY OF THE LICENSE ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES SOUTH CIRCLE CHENNAI**
- EXT.R4(X): TRUE COPY OF THE LICENSE ISSUED BY MAZHUVANNUR GRAMA PANCHAYAT FOR CONDUCTING THE QUARRY.**
- EXT.R4(Y): TRUE COPY OF THE MOVEMENT PERMIT DATED 10/10/15 ISSUED BY THE DEPARTMENT OF MINING AND GEOLOGY DISTRICT OFFICE, ERNAKULAM**
- EXT.R4(Z): TRUE COPY OF THE CERTIFICATE DATED 7/1/15 ISSUED BY THE GEOLOGIST DEPARTMENT OF MINING AND GEOLOGY ERNAKULAM**
- EXT.R4(AA): TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 31/3/15 ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY**
- EXT.R4(AB): TRUE COPY OF THE CERTIFICATE OF COMPETENCY TO CARRY OUT LASTING EXPLOSIVES ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES ERNAKULAM DATED 27/5/14**
- EXT.R4(AC): TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER IRAPURAM DATED 12/3/14**
- EXT.R4(AD): TRUE COPY OF THE DECLARATION DATED 25/9/13 EXECUTED BY IRUCHAPPAN**

/ TRUE COPY /

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 7004 of 2013

Dated this the 12th day of November, 2015

J U D G M E N T

This writ petition is filed challenging the quarrying operation by the 4th respondent. There were series of litigations in different forum and this Court against the operation of quarrying. The present grievance is essentially, alleging a threat to the life and property of the petitioners. According to the petitioners, on account of blasting in the quarry, they are under threat of loss of their life as well as to the property.

2. It is to be noted that the 4th respondent has obtained all requisite permit to operate the quarry.

3. The Standing Counsel for the Pollution Control Board submits that they have reckoned distance Rules and based on the distant Rules, they issued consent.

4. It is also to be noted that one Vijayan has approached the Ombudsman for Local Self Government Institution. Thereafter, the Deputy Director Panchayat has visited the area and reported that the allegations are devoid of truth. This Court

also disposed another in W.P.(C) NO.34381 of 2015 finding that the respondent is operating quarrying with valid permit.

5. As matters stand now, the quarrying operation is being done based on the valid permit and licence.

6. This Court is of the view that if the petitioners are affected by blasting operation of the quarry on account of any violation of conditions of quarrying permit, the petitioners are free to bring to the notice of the competent authority. Nothing has been placed before this Court to interfere with the quarrying operation. With the above liberty, the writ petition dismissed.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/