

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C) .No. 4366 of 2015 (U)

PETITIONER(S) :

K.M.MATHEW,
S/O.K.C.MATHEW, KUZHUVOMMANNIL,
KURAVANKUZHY P.O. PULLAD, THIRUVALLA,
PATHANAMTHITTA DISTRICT, KERALA.

BY ADVS.SRI.THAMPAN THOMAS
SRI.B.V.JOY SANKER
SRI.SHAFFIE THOMAS
SRI.BIJI MATHEW.

RESPONDENT(S) :

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF REVENUE SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
 2. THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHAIRMAN,
THIRUVANANTHAPURAM - 695 001.
 3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, MAKKAMKUNNU,
PATHANAMTHITTA DISTRICT - 690 501.
 4. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM P.O.,
THIRUVANANTHAPURAM -695 004.
 5. THE GEOLOGIST,
DISTRICT OFFICE,
DEPARTMENT OF MINING AND GEOLOGY,
PATHANAMTHITTA DISTRICT - 690 501.

6. THE DISTRICT COLLECTOR,
PATHANAMTHITTA DISTRICT - 690 501.
7. THE REVENUE DIVISIONAL OFFICE,
PATHANAMTHITTA DISTRICT - 690 501.
8. THE TAHASILDAR,
THIRUVALLA,
PATHANAMTHITTA DISTRICT - 690 501.
9. THE VILLAGE OFFICER,
THOTTAPUZHASERRY VILLAGE, THIRUVALLA,
PATHANAMTHITTA DISTRICT - 690 501

SENIOR BY GOVERNMENT PLEADER SRI.MUHAMMED SHAFI M.
BY SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 - TRUE COPY OF THE PROCEEDING NO.5587/M3/2010 DATED 17-08-2010 AND QUARRYING LEASE.

EXT.P2 - TRUE COPY OF THE QUARRYING PERMITS ON THE PROPERTIES COMPRISED IN SURVEY NO.13/8 AND 13/2-1, 1/5 AND 1/3-2 IN THOTTAPUZHASSERY VILLAGE, THIRUVALLA TALUK.

EXT.P3 - TRUE COPY OF THE CERTIFICATE AND SKETCH FOR THE PROPERTY IN SURVEY NO.13/3.

EXT.P4 - TRUE COPY OF THE CERTIFICATES AND SKETCH FOR THE PROPERTY IN SURVEY NO.13/4.

EXT.P5 - TRUE COPY OF THE CERTIFICATES AND SKETCH FOR THE PROPERTY IN SURVEY NO.14/1 AND 14/19.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4366 of 2015

Dated this the 11th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “i) to issue a writ of mandamus or other appropriate writ, order or direction declaring that the petitioner is entitled to renew EXHIBIT-P2 quarrying permits, with existing terms and conditions until the concerned rules are amended by the Government of Kerala;*
- ii) to issue a writ of mandamus or other appropriate writ, order or direction declaring that the petitioner is entitled to apply for new quarrying permits with existing terms and conditions until the concerned rules are amended by the Government of Kerala;*
- iii) to issue a writ of mandamus or other appropriate writ, order or direction directing the concerned respondents to consider EXHIBIT-P3, P4 and P5 documents to issue 'quarrying permits' and to issue the necessary permits and 'Consent to Operate' to the petitioner with existing terms and conditions until the concerned rules are amended by the Government of Kerala;*
- iv) to issue a writ of mandamus or other appropriate writ, order or direction declaring that the petitioner is entitled to apply for renewal of EXHIBIT-P2 quarrying permits on its expiry with existing terms and conditions until the concerned rules are amended by the Government of Kerala;*

- v) to issue a writ of mandamus or other appropriate writ, order or direction directing the concerned respondents to renew EXHIBIT-P2 quarrying permits on its expiry;"*

2. Heard the learned counsel for the petitioner, the learned standing counsel appearing for the Pollution Control Board and also the learned Government Pleader appearing for the other respondents.

3. It is brought out on record that, the petitioner has got quarrying lease as borne by Ext.P1, which is valid till 20.8.2022. The quarrying permit, copy of which has been produced as Ext.P2 was valid till 09.02.2015.

4. The learned counsel for the petitioner points out that, new Rules have been formulated by the Government, as per which the permit could be renewed without the necessity to produce 'Environmental Clearance Certificate' if the same was valid as on 09.02.2015.

5. In the said circumstance, the petitioner is set at liberty to approach the competent authority for renewal of the permit. If at all any such application is filed within 'two weeks', the same shall be considered and appropriate orders shall be passed in accordance with law, at the earliest, at any rate, within two weeks

thereafter.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn