

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 4770 of 2015 (U)

PETITIONER(S):

**KRISHNAN. P.K., S/O CHATHA,
AGED 41 YEARS, POTTIKUNNATH HOUSE,
THALAKKASERRY P.O., VIA. THRITHALA,
PALAKKAD DISTRICT, .**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT(S):

- 1. PATTITHARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
P.O. THALAKKASERY, PALAKKAD DISTRICT, PIN:679 538.**
- 2. THE SENIOR ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
PALAKKAD-678 001.**
- 3. STATION HOUSE OFFICER,
THRITHALA POLICE STATION,
PALAKKAD DISTRICT-679 538.**
- 4. VILLAGE OFFICER,
PATTITHARA VILLAGE OFFICE,
PALAKKAD DISTRICT-679 538.**
- 5. KUNJI MUHAMMED A.,
AMBALANCHERI HOUSE, CALICUT ROAD, CHEMMAD,
THIROORANGADI P.O., MALAPPURAM, PIN:676 306.**

R1 BY ADV. SMT.C.SEENA.

R2 BY ADV. SRI. M.AJAY, SC.

R3 & R4 BY GOVT. PLEADER SMT.ANITHA RAVINDRAN.

R5 BY ADV. SRI.P.M.ZIRAJ.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: PHOTOGRAPHS OF THE ILLEGAL EXCAVATION OF RED EARTH FROM NIRAPURAMKUNNU.

EXHIBIT P2: A COPY OF THE STOP MEMO BEARING NO.A3/325/15 DATED 23.01.2015 ISSUED BY THE FIRST RESPONDENT TO THE FIFTH RESPONDENT.

EXHIBIT P2A: ENGLISH TRANSLATION OF EXHIBIT P2.

RESPONDENT'S EXHIBITS:-

EXT.R5(1) COPY OF THE MINING PERMIT DATED 16/01/2015 ISSUED BY THE DISTRICT GEOLOGIST, PALAKKAD TO MR.RAJENDRANATH.

EXT.R5(2) COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE ISSUED BY THE KERALA STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY TO THIS RESPONDENT DATED 31/10/2014.

EXT.R5(3) COPY OF THE COMMUNICATION ISSUED BY THE EXECUTIVE ENGINEER, PUBLIC WORK DEPARTMENT (PWD), NH (B) DIVISION, KODUNGALLUR TO THE MEMBER SECRETARY, KERALA STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM.

EXT.R5(4) COPY OF THE WP(C).NO.3823/2015 SUBMITTED BY RAJENDRANATH BEFORE THIS HON'BLE COURT.

EXT.R5(5) COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT DATED 06/02/2015 IN WP(C).NO.3823/2015.

EXT.R5(6) COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 05/02/2015 IN WP(C).NO.31760/2014.

EXT.R5(7) COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT DATED 23/02/2015 IN WP(C).NO.5603/2015.

EXT.R5(8) COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT DATED 13/03/2015 IN WP(C).NO.8047/2015.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J

WPC No.4770 of 2015

Dated this the 20th day of July, 2015

JUDGMENT

The petitioner has come up before this Court alleging illegal excavation of red earth by the 5th respondent in violation of Ext.P2 stop memo issued by the respondent Panchayat. Therefore, the petitioner is seeking implementation of Ext.P2.

2. According to the petitioner, the 5th respondent is having an extent of 1 acre comprised in Sy.No.114 of Pattithara Village, Pattambi Taluk and the said area is popularly known as Nirapuramkunnu. There are 4 S.C.-S.T. Colonies viz, Pottikunnu, Menonchal, Karuthedathpadi and Ettukandom situating around the Nirappukunnu. According to the petitioner, the fifth respondent is carrying illegal excavation of red earth without obtaining license from the Panchayat as well as consent from the Kerala State Pollution Control Board. There are 500 families residing in the area. To the knowledge of the petitioner, the fifth respondent is excavating red earth

without obtaining license from the Panchayat as well as from other statutory authorities. Hence, the petitioner and others submitted complaints before the official respondents and on receipt of the complaints, the first respondent Panchayat issued Ext.P2 stop memo to the fifth respondent not to proceed with the excavation. Though Ext.P2 was issued as early as on 23.1.2015, the fifth respondent so far not complied with the same and the illegal excavation is going on. It is with this background, the petitioner, has come up before this Court.

Today when the matter came up for hearing, the learned counsel for the petitioner submitted that Ext.R5(1) permit granted to the party respondent had already expired on 15.2.2015.

The learned counsel for the party respondent would submit that after the expiry of the permit, the petitioner has not attempted to excavate red earth. Recording the said submission, this writ petition is closed.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

PS.TO JUDGE