

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

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

**TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937**

**WP(C).No. 4894 of 2015 (S)**  
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**PETITIONER(S):**  
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**RAJESH, AGED 33 YEARS,  
S/O.RAMACHANDRA PANICKER, RAJESH BHAVAN, PARUMALA P.O.,  
KADAPRA VILLAGE AND PANCHAYATH, THIRUVALLA TALUK,  
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.V.SETHUNATH  
SRI.V.R.MANORANJAN (MUVATTUPUZHA)  
SRI.JOHNY K.GEORGE**

**RESPONDENT(S):**  
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- 1. THE UNION OF INDIA,  
REPRESENTED BY THE SECRETARY,  
MINISTRY OF ENVIRONMENT & FOREST,  
GOVERNMENT OF INDIA, NEW DELHI-110 001.**
- 2. THE STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO DEPARTMENT,  
ENVIRONMENT & FOREST,  
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT COLLECTOR, PATHANAMTHITTA, PIN-68945.**
- 4. THE ADDITIONAL DISTRICT MAGISTRATE,  
PATHANAMTHITTA-689 645.**
- 5. THE POLLUTION CONTROL BOARD,  
REPRESENTED BY ITS SECRETARY, PLAMOOD,  
THIRUVANANTHAPURAM-695 004.**
- 6. THE REVENUE DIVISIONAL OFFICER  
REVENUE DEPARTMENT, THIRUVALLA-689 101.**
- 7. THE TAHSILDAR,  
REVENUE DEPARTMENT, THIRUVALLA-689 101.**

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8. THE VILLAGE OFFICER,  
KADAPRA VILLAGE, VALANJAVATTOM P.O. -689 104.
  9. THE DISTRICT MEDICAL OFFICER,  
DEPARTMENT OF HEALTH, PATHANAMTHITTA-689 645.
  10. THE SENIOR GEOLOGIST,  
MINING AND GEOLOGY DEPARTMENT,  
PATHANAMTHITTA DISTRICT, OFFICE AT 5TH FLOOR,  
REVENUE TOWER, ADOOR P.O.-689 694.
  11. THE ASSISTANT DIVISIONAL OFFICER,  
DISTRICT FIRE SAFETY DEPARTMENT,  
PATHANAMTHITTA-689 645.
  12. THE PRINCIPAL AGRICULTURAL OFFICER,  
AGRICULTURAL DEPARTMENT, PATHANAMTHITTA-689 645.
  13. STATE LEVEL ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,  
KERALA, REPRESENTED BY ITS MEMBER SECRETARY,  
DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE  
PALLIMUKKU, PETTAH P.O., TRIVANDRUM-695 024.
  14. REGHUNATHAN NAIR @ KATTANAM SANTHOSH,  
SIVA KRIPA KONDOOR HOUSE, PARUMALA P.O.,  
KADAPRA VILLAGE AND PANCHAYATH, THIRUVALLA TALUK,  
PATHANAMTHITTA DISTRICT-689 621.
  15. KADAPRA GRAMA PANCHAYATH,  
REPRESENTED BY ITS SECRETARY,  
KADAPRA GRAMA PANCHAYATH, NIRANAM P.O., PIN-689 621.
- R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL  
R2-4,R6 -13 BY ADV. GOVERNMENT PLEADER  
R5 BY ADV. SRI. M.AJAY, SC  
R14 BY ADV. SRI.B.MOHANLAL  
R15 BY ADV. SRI.T.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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**APPENDIX**

**PETITIONERS' EXHIBITS**  
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- P1: COPY OF THE NEWS PAPER REPORT SHOWING SPREADING OF THE DEADLY CANCER DISEASE IN PARUMALA ALONG WITH ENGLISH TRANSLATION
- P2: COPY OF THE PETITION PREFERRED BY THE LOCAL COMMITTEE OF THE C.P.I.(M) PARTY ALONG WITH ENGLISH TRANSLATION
- P3: COPY OF THE PETITION PREFERRED BY RONY JOSEPH BEFORE THE R4 R.D.O.
- P4: COPY OF THE QUESTION GIVEN TO THE R15 AND ANSWER GIVEN BY THE R15 ALONG WITH ENGLISH TRANSLATION
- P5: COPY OF THE QUESTION GIVEN TO THE R8 AND ANSWER GIVEN BY THE R8 ALONG WITH ENGLISH TRANSLATION
- P6: COPY OF THE PHOTOS OF THE INDISCRIMINATE REMOVAL OF DAY FROM THE PARUMALA AREA BY THE R14
- P7: COPY OF THE CIRCULAR NO.1643/12 DATED 3/8/12 ISSUED BY THE R2 GOVT.OF KERALA
- P8: COPY OF THE OFFICE MEMORANDUM NO.L-11011/47/2011-IA.II(M) DATED 24/6/13 ISSUED BY THE MINISTRY OF ENVIRONMENT & FOREST GOVT.OF KERALA
- P9: COPY OF THE MEMORANDUM NO. J-13012/12/2013-IAII(1) DATED 24/12/13 ISSUED BY THE MINISTRY OF ENVIRONMENT & FOREST GOVT.OF KERALA
- P10: COPY OF THE MEMORANDUM NO.4518/B1/13/ENV.T.DATED 31/1/14 ISSUED BY THE GOVT.OF KERALA ALONG WITH ENGLISH TRANSLATION
- P11: COPY OF G.O.ISSUED BY THE R2 GOVT.ORDER (MS)NO.2/14/ENV.T.DATED 21/2/14
- P12: COPY OF THE CLARIFICATORY CIRCULAR ISSUED BY THE R2 NO.3568/3/12/ENV.T.DATED 12/3/14.

**RESPONDENTS' EXHIBITS**  
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- R14(A): COPY OF TAX RECEIPT FOR THE YEAR 2014-15 ISSUED BY THE VILLAGE OFFICER, KADAPRA TO THE PETITIONER AND ITS ENGLISH TRANSLATION
- R14(B): COPY OF THE CONSENT LETTER AND ITS ENGLISH TRANSLATION

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**R14(C): COPY OF THE LICENSE ISSUED BY THE SECRETARY, KADAPRA GRAMA PANCHAYATH TO SRI.RAJEEVAN FROM 23/5/2007 TO 31/3/2008 AND ITS ENGLISH TRANSLATION**

**R14(D): COPY OF THE LICENSE ISSUED BY THE SECRETARY, KADAPRA GRAMA PANCHAYATH TO SRI.RAJEEVAN UPTO 31/3/13 AND ITS ENGLISH TRANSLATION**

**R14(E): COPY OF THE CONSENT IN FILE NO.PCB/PTA/ICO/8/R1/2011 ISSUED BY THE ENVIORNEMNTAL ENGINEER POLLUTION CONTROL BOARD, PATHANAMTHITTA TO THIS RESPONDENT**

**R14(F): COPY OF THE CONSENT IN FILE NO.PCB/PTA/ICO/08/06 DATED 25/7/14 ISSUED BY THE ENVIORNEMNTAL ENGINEER KERALA STATE POLLUTION CONTROL BOARD, PATHANAMTHITTA TO THIS RESPONDENT**

**R14(G): COPY OF THE ACKNOWLEDGMENT ISSUED BY THE MANAGER, DISTRICT INDUSTRIES CENTRE, PATHANAMTHITTA**

**R14(H): COPY OF THE LICENSE NO.A-5141/14 DATED 18/10/14 ISSUED BY THE R15 TO THE RESPONDENT AND ITS ENGLISH TRANSLATION**

**R14(I): PHOTOGRAPH OF THE CLAY AND EARTH DUMPED IN THE PROPERTY OF THIS RESPONDENT**

**R14(J): COPY OF THE CAVEAT APPLICATION**

**R14(K): COPY OF THE FIR AND FIS IN CRIME NO.1058/13 OF THE PULIKEEZHU POLICE STATION AND ITS ENGLISH TRANSLATION**

**/ TRUE COPY /**

**P.S. TO JUDGE**

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

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W.P.C.No.4894 of 2015

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Dated this the 23<sup>rd</sup> day of June 2015

**J U D G M E N T**

**Ashok Bhushan, CJ**

Heard learned counsel for the petitioner, learned Government Pleader and the learned counsel appearing for the 14<sup>th</sup> respondent.

2. By this writ petition, the petitioner has prayed that this Court may stay the brick manufacturing unit conducted by the 14<sup>th</sup> respondent. This Court passed an order asking the learned Government Pleader to submit a report after conducting inspection. A report has been submitted by the Senior Geologist by memo dated 22/05/2015, which reads as follows:

*"It is submitted that on receipt of a complaint received from District Collector, Pathanamthitta on 03/12/2013, this respondent conducted inspection over the instant case area. On*

*inspection it was revealed that the area was water logged and no quarrying of either brick clay or ordinary sand could be noticed. The matter was reported to the District Collector also. It is also submitted that site inspections have been conducted from this office thereafter also. In reply to the show cause notice issued to the 14<sup>th</sup> respondent Shri.Regunathan had reported that a fine has been already collected by the Mining & Geology and Revenue Department for the illegal brick clay mining he conducted earlier. The 14<sup>th</sup> respondent also reported that the Hon'ble High Court of Kerala by an order on OP No.35465/1998 dated 10/01/2007 directed the Revenue Divisional Officer, Thiruvalla to refund the amount collected. Also he reported that another OS.506/2013 is pending before the Munsiff Court, Thiruvalla.*

*It is humbly submitted that this respondent expressed the willingness to the District Collector, Pathanamthitta to join with a combined inspection for detailed survey and assessment of the area concerned."*

3. In view of the report submitted, it is clear that as on date, no quarrying of either brick clay or ordinary sand is

found. In the above view of the matter, we do not feel any justification to keep the writ petition pending. In the event any quarrying operation is conducted contrary to the statutory provisions, it shall be open for the authorities to take appropriate steps in accordance with the statute and other Government orders regulating the matter.

This writ petition is disposed of as above.

(sd/-)

**(ASHOK BHUSHAN, CHIEF JUSTICE)**

(sd/-)

**(A.M.SHAFFIQUE, JUDGE)**

jsr



