

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 5222 of 2015 (C)

PETITIONER:

C.M.J.GRANITES, MARIYAPURAM, IDUKKI,
REPRESENTED BY ITS MANAGING PARTNER,
SEBASTIAN C.JACOB.

BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)

RESPONDENTS:

1. SECRETARY, MARIYAPURAM GRAMA PANCHAYATH,
MARIYAPURAM P.O. -685 602
IDUKKI.
2. MARIYAPURAM GRAMA PANCHAYAT,
MARIYAPURAM P.O.-685 602
IDUKKI REPRESENTED BY ITS SECRETARY.

R1 & 2 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC
R1 & 2 BY ADV. SRI.DEEPU LAL MOHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- THE RELEVANT PAGES OF QUARRY LEASE DEED DT.13/11/2008 BETWEEN THE PETITIONER AND COMPETENT AUTHORITY.

EXHIBIT P2- TRUE COPY OF THE CONSENT TO OPERATE DATED 18/03/2014, WHICH IS RENEWED UP TO 31/03/2015.

EXHIBIT P3- TRUE COPY OF THE EXPLOSIVE LICENSE DATED 17/03/2014 TO POSSESS AND USE EXPLOSIVES ISSUED BY THE COMPETENT AUTHORITY.

EXHIBIT P4- TRUE COPY OF THE CERTIFICATE OF COMPETENCY ISSUED BY THE AUTHORITY CONCERNED FOR THE BLASTER EMPLOYED IN THE PETITIONER'S QUARRY, DT.22/07/2006.

EXHIBIT P5- TRUE COPY OF THE REGISTRATION DATED 05/04/2014 FOR THE PERIOD 2014-15 OF THE PETITIONER'S FIRM.

EXHIBIT P6- TRUE COPY OF THE DECISION OF THANKAMANI GRAMA PANCHAYAT TO GRANT PERMIT TO THE PETITIONER TO CONDUCT QUARRYING OPERATIONS DATED 09/08/2005.

EXHIBIT P7- TRUE COPY OF THE LICENSE DATED 13/06/2014 ISSUED BY THE RESPONDENT UNDER SECTIONS 232, 233 & 234 OF THE KERALA PANCHAYAT RAJ ACT, 1994.

EXHIBIT P7(A)- ENGLISH TRANSLATION OF EXT.P7.

EXHIBIT P8- TRUE COPY OF THE CASH RECEIPT DATED 06/01/2015 ISSUED BY THE 1ST RESPONDENT SHOWING THE REMITTANCE OF RS.2,500/-.

EXHIBIT P9- TRUE COPY OF THE COMMUNICATION DATED 29/01/2015 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P9(A)- ENGLISH TRANSLATION OF EXHIBIT P9.

EXHIBIT P10- TRUE COPY OF THE GOVERNMENT ORDER DATED 21/02/2014.

RESPONDENTS' EXHIBITS:

EXHIBIT R1(a): THE PHOTOCOPY OF THE LETTER NO.DOECC/E3/2897/2012 DATED 08.08.2012 ISSUED BY THE DIRECTOR OF DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE, GOVERNMENT OF KERALA.

EXHIBIT R1(b): THE PHOTOCOPY OF THE LETTER NO.B2/4116/2012 DATED 27.07.2013 ISSUED BY THE 1ST RESPONDENT TO THE DIRECTOR & SECRETARY SEAC, DEPARTMENT AND ENVIRONMENT & CLIMATE CHANGE.

EXHIBIT R1(c): PHOTOCOPY OF LETTER NO.DOECC/E3/2897/2013 DATED 10.10.2013 ISSUED BY THE DIRECTOR, DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE TO THE 1ST RESPONDENT.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 5222 of 2015 (C)

Dated this the 3rd day of March, 2015.

JUDGMENT

The issue involved in this case is covered in favour of the petitioner by the judgment dated 02.03.2015 in W.P.(C) No. 4864 of 2015.

2. In the light of the ratio laid down in the aforesaid judgment, this Court disposes of the writ petition on the same lines, thereby setting aside Ext.P9.

Consequently, the first respondent Grama Panchayat is directed to renew the D&O licence, subject to the petitioner fulfilling all the statutory parameters.

sd/- DAMA SESHADRI NAIDU, JUDGE.

W.P.(C). No.

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