

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 6858 of 2015 (F)

PETITIONER(S):

**GIREESHKUMAR K.V., KALLIYATH TILES,
THYCATTUSSERRY PO, CHERUSSERRY,
THRISSUR-680 322.**

BY ADV. SRI.K.I.SAGEER.

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF ENVIRONMENT,
FOREST & WILDLIFE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF ENVIRONMENT AND FOREST, REGIONAL OFFICE,
SOUTHERN ZONE, KENDRIYA SADAN, 4TH FLOOR,
E & F WING, II BLOCK, KORAMANGALA,
BANGALORE-560 034.**
- 3. THE DISTRICT COLLECTOR, THRISSUR DISTRICT,
COLLECTORATE, THRISSUR-680 001.**
- 4. THE ADDITIONAL TAHSILDAR,
MUKUNDAPURAM TALUK, TALUK OFFICE,
MUKUNDAPURAM-680 614.**

**R1, R3 & R4 BY SR. GOVT. PLEADER SRI.K.C. VINCENT.
R2 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1 : A TRUE COPY OF THE ENVIRONMENTAL CLEARANCE ISSUED AS PER ORDER NO. 312/SEIAA/KL/1786/2014 DATED 13-06-2014 ISSUED BY THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY.
- EXT P2 : A TRUE COPY OF THE COMMUNICATION NO.312/SEIAA/KL/1786/2014 DATED 13-06-2014 ISSUED BY THE DIRECTOR OF DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE.
- EXT P3 : A TRUE COPY OF THE PARTITION DEED NO.5782/1/2012 DATED 24-12-2012 OF SRO, NELLAI.
- EXT P4 : A TRUE COPY OF THE POSSESSION CERTIFICATE IN RESPECT OF EXT P3 PROPERTY.
- EXT P5 : A TRUE COPY OF THE LOCATION MAP IN RESPECT OF EXT P3 PROPERTY.
- EXT P6 : A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT WITH COPY OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 6858 of 2015

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Dated, this the 23rd day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

(i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to extend the validity of Ext. P1 Environmental Clearance for a further period of not less than six months and permit the petitioner to remove the earth from the properties made mentioned in Ext. P1 expeditiously within the time limit fixed by this Hon'ble Court.

(ii) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to consider and pass orders on Ext. P6 expeditiously within the time limit fixed by this Hon'ble Court.

(iii) Issue such other appropriate writs, orders or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

2. The learned counsel for the petitioner submits that the grievance of the petitioner has already been projected by way of Ext.P6, which is pending consideration before the first respondent, and that the only prayer is to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The writ petition is disposed of, directing the first respondent to consider and pass appropriate orders on Ext. P6, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

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

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd