

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 7034 of 2015 (S)

PETITIONER(S) :-

D. THAMPI, AGED 55 YEARS, S/O.DIVAKARAN,
REVATHY KAITHAKUZHY, ADICHANALLOOR P.O.,
KOLLAM - 691 573.

BY ADV. SRI.R.SATHISH KUMAR

RESPONDENT(S) :-

1. STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. THE DISTRICT COLLECTOR, KOLLAM - 691 009.
4. THE VILLAGE OFFICER, NEDUMPANA VILLAGE OFFICE, KOLLAM - 691 580.
5. THE SECRETARY, NEDUMPANA GRAMA PANCHAYATH, KOLLAM DIST.-691 580.
6. THE MEMBER SECRETARY, KERALA STATE POLLUTION CONTROL BOARD,
THIRUVANANTHAPURAM - 695 001.
7. THE ASSISTANT ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, KOLLAM - 691 010.
8. SAYUDEEN @ SAJUDEEN, PUTHENVEEDU, NEDUMPANA,
MUTTAKKAVU, KOLLAM - 691 580.
9. M/S.S.S.INDUSTRIES, NEDUMPANA P.O., MUTTAKKAVU,
KOLLAM DISTRICT - 691 580.
10. THE DISTRICT TOWN PLANNER, DISTRICT TOWN PLANNING OFFICE,
KOLLAM - 691 001.

R6 & R7 BY ADV. SRI. M.AJAY, SC, KSPCB
BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
BY ADV.SMT.T.J.SEEMA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-03-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits :-

Ext.P1 :- True copy of the reply dated 17.8.2013 and documents supplied by the 5th respondent along with its true English translation.

Ext.P2 :- True copy of the application dated 17.12.2012 filed by the 8th respondent before the 5th respondent along with its true English translation.

Ext.P3 :- True copy of the No Objection Certificate issued by the 5th respondent.

Ext.P4 :- True copy of the reply dated 20.9.2013 issued by the 5th respondent along with its true English translation.

Ext.P5 :- True copy of the reply dated 21.8.2013 issued by the 5th respondent along with its true English translation.

Ext.P6 :- True copy of the consent given by the 7th respondent.

Ext.P7 :- True copy of Environmental guidelines for setting up stone crushing plant.

Ext.P8 :- True copy of the guidelines for suitability of manufactured sand (M-Sand) as fine aggregate in mortars and concrete.

Respondent's Exhibits :- NIL.

//True Copy//

P.S.to Judge

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

W.P(C).No.7034 of 2015

Dated this the 10th March, 2015

JUDGMENT

Ashok Bhushan, Ag, CJ.

Heard learned counsel for the petitioner, learned Government Pleader and the learned Standing Counsel for the Kerala Pollution Control Board.

2. By this Writ Petition the petitioner has prayed for quashing Exhibit P3, which is a consent granted by the Kerala Pollution Control Board in favour of respondents 8 and 9 for establishing a sand mining unit on 21.6.2013.

3. This public interest litigation is filed by the petitioner, who claims to be the owner and in possession of a paddy field, we are of the view that the petitioner, who claims to be aggrieved by the consent granted by the Kerala Pollution Control Board, has a statutory remedy of filing appeal or other statutory remedy available under law. We are of the view that there being a statutory

remedy available to the petitioner, this Writ Petition is not maintainable as a public interest litigation. The petitioner may seek appropriate remedy. The Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs10/3/15