

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 9886 of 2013 (I)

PETITIONER(S):

**M/S. P&V AGGREGATES,
EDAYAR P.O., KOOTHATTUKULAM, ERNAKULAM DISTRICT,
REPRESENTED BY ITS MANAGING PARTNER, SIJI AUGUSTINE.**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S):

**1. THE REVENUE DIVISIONAL OFFICER,
MOOVATTUPUZHA, PIN 686 661,**

**2. KOOTHATTUKULAM GRAMA PANCHAYATH,
KOOTHATTUKULAM, PIN - 686 661.
REPRESENTED BY ITS SECRETARY.**

*** ADDL.R3 & 4 IMPLEADED**

**3. AUGUSTINE FRANCIS,
THOTTUVELIL HOUSE, EDAYAR.P.O., KOOTHATTUKULAM
ERNAKULAM DISTRICT.**

**4. THRESIAMMA AUGUSTINE,
W/O.AUGUSTINE FRANCIS, THOTTUVELIL HOUSE, EDAYAR.P.O.
KOOTHATTUKULAM, ERNAKULAM DISTRICT.**

**ADDL. R3 &R4 ARE IMPLEADED AS PER ORDER DATED 14.06.2013 IN IA
7792/2013.**

R1 BY GOVERNMENT PLEADER SRI.R.PADMARAJ

R2 BY ADVS. SRI.K.M.JAMALUDHEEN

SMT.LATHA PRABHAKARAN

R3,R4 BY ADV. SRI.KALEESWARAM RAJ

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF RENEWED LICENSE NO.E6-660/13 (382)
DATED 23-3-2013.
- EXHIBIT P2: TRUE COPY OF NO OBJECTION CERTIFICATE NO.DIS/6318/2010/M4
DATED 24/05/2011.
- EXHIBIT P3: TRUE COPY OF RENEWAL QUARRYING PERMIT NO.183/12-
13/MM/GS/CRPS/DOE/5137/E2/12 DATED 28/1/2013.
- EXHIBIT P4: TRUE COPY OF RENEWAL CONSENT BEARING NO.PCB/EKM/DO2/IQR-
13/2011 DATED 13/3/2013.
- EXHIBIT P5: TRUE COPY OF NO-OBJECTION CERTIFICATE NO.D1-7140/2011 DATED
15/12/2011.
- EXHIBIT P6: TRUE COPY OF PERMISSION NO.E/SE/KL/30/407(E 65486) DATED
15/12/2011.
- EXHIBIT P7: TRUE COPY OF SHORT-FIRE'S CERTIFICATE NO.E/SE/KL/30/407(E
65486) DATED 15/12/2011.
- EXHIBIT P8: TRUE COPY OF STOP MEOM NO.A1428/13(1) DATED 18/3/13.
- EXHIBIT P9: TRUE COPY OF COMPLAINT DATD 12/9/2012.
- EXHIBIT P10: TRUE COPY OF REPORT BY PANCHAYATH SECRETARY DTD NIL.
- EXHIBIT P11: TRUE COPY OF REPRESENTATION DATED 23/3/2013.
- EXHIBIT P12: TRUE COPY OF RENEWAL LICENSE NO.E6/2783/13 DTD 1/4/13
- EXHIBIT P13: TRUE COPY OF REPLY DATED 6/4/2013 IA7792/13
- EXHIBIT P14: TRUE COPY OF PARTNERSHIP DEED DATED 31/8/10
- EXHIBIT P15: TRUE COPY OF CERTIFICATE DATED 9/10/12 ISSUED BY THE VILLAGE
OFFICER
- EXHIBIT P16: TRUE COPY OF REPORT NO.258/12 DATED 19/12/12 ISSUED BY THE
VILLAGE OFFICER
- EXHIBIT P17: TRUE COPY REPORT NO.C4-6028/2012 DATED 3/7/13

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EXHIBIT P18: TRUE COPY OF LAYOUT PLAN OF MAGAZINE

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.M. SHAFFIQUE, J.

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W.P. (C) No. 9886 of 2013

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Dated this, the 29th day of October, 2015

J U D G M E N T

Petitioner challenges Ext.P8 order dated 18/3/2013 by which the Revenue Divisional Officer had issued a stop memo against the petitioner from conducting a quarry. Learned counsel for the petitioner submits that during the pendency of this writ petition, Tahsildar has enquired into the matter and had prepared a report which is produced as Ext.P17 in which it is stated that the building in question was having more than 75 years age and that it was situated about 100 metres away from the quarry site.

2. Be that as it may, it is submitted by the learned counsel for the petitioner that in view of the Kerala Minor Mineral Concession Rules, 2015, petitioner is not operating the quarry as he is not in possession of environmental clearance issued by the competent authority. It is also stated that he will conduct the quarry only after getting all necessary permissions/licence from the competent authorities.

3. It is also brought to the notice of this Court that

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another writ petition had been filed by the additional 4th respondent along with a relative to restrain the authorities from granting any licence in favour of the petitioner. The said writ petition is pending consideration in which also the 4th respondent has made a claim regarding damage to the nearby residences.

4. Facts being so, I do not think that there is any reason to keep this writ petition pending. Though I am not quashing Ext.P8, I make it clear that Ext.P8 shall not stand in the way of the petitioner obtaining necessary environmental clearance from the competent authorities and thereafter taking steps for obtaining renewal of licence and conducting the quarry. This order shall not preclude the right of additional respondents 3 and 4 to agitate their rights in the pending writ petition and to take any other steps in accordance with law.

Writ petition is disposed of as above.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
30/10/2015

//True Copy//

P.S to Judge