

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

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 7801 of 2015 (S)

PETITIONER(S) :

K.MATHEW, AGED 48 YEARS, S/O. KUNHU KUNHU,
KOYIKKAL HOUSE, KULAKKADA EAST P.O. KOLLAM

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT(S) :

1. THE STATE OF KERALA, REPRESENTED BY THE
ADDITIONAL CHIEF SECRETARY OF GOVERNMENT
-IN-CHARGE OF ENVIRONMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001
2. THE DISTRICT COLLECTOR, KOLLAM PIN - 691 001
3. THE REVENUE DIVISIONAL OFFICER, KOLLAM
PIN - 691 001
4. THE ASSISTANT ENGINEER,
GROUND WATER DEPARTMENT, KOLLAM - 691 001
5. THE DIRECTOR OF MINING AND GEOLOGY
DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695 001
6. THE KERALA STATE ENVIRONMENTAL IMPACT
ASSESSMENTAL AUTHORITY, DEPARTMENT OF
ENVIRONMENT AND CLIMATE CHANGE, PALLIMUKKU,
PETTAH P.O. THIRUVANANTHAPURAM
PIN - 695 024, REPRESENTED BY ITS MEMBER
SECRETARY

7. THE SPECIAL SECRETARY, IA - DIVISION,
MONITORING CELL, MINISTRY OF ENVIRONMENT AND
FOREST, PARAYAVARAM BHAVAN, CGO COMPLEX,
LODHI ROAD, NEW DELHI - 110 003.
8. THE GEOLOGIST, DEPARTMENT OF MINING
GEOLOGY, DISTRICT OFFICE, KOLLAM
KOLLAM P.O. - 691 001
9. THE SECRETARY, KULAKADA GRAMA PANCHAYATH,
KULAKKADA P.O., KOTTARAKKARA,
KOLLAM DISTRICT - 691 521
10. SHAILAJA RAGHAVAN, RAMA VILASOM,
PUTHUR KUKKU,
POOVATTUR EASST MARIYIL, KULAKKAD P.O.
KOTTARAKKARA TALUK, KOLLAM DISTRICT - 691 521

R7 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R BY GOVERNMENT PLEADER STRI. C.R. SHYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 12-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 7801 of 2015 (S)

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE SANCTION LETTER ISSUED
BY THE 6TH RESPONDENT DATED 7-8-2014

EXT.P2: TRUE PHOTOGRANS, SHOWING THE
RESPECTIVE EXCAVATIONS CARRIED OUT BY THE 10TH
RESPONDENT

EXT.P3: TRUE PHOTOGRAPHS

EXT.P4: TRUE COPY OF THE REPRESENTATION
SUBMITTED BY THE PETITIOENR AND OTHERS BEFORE
THE DISTRICT COLLECTOR KOLLAM DATED 27-02-2015
AND ITS TRANSLATION

EXT.P5: TRUE COPY OF THE REPRESENTATION
SUBMITTED BY THE PETITIONER AND OTHERS BEFORE
THE REVENUE DIVISIONAL OFFICER, KOLLAM DATED 27-
2-2015 AND ITS TRANSLATION

EXT.P6: TRUE COPY OF THE REPRESENTATION
SUBMKITTED BY THE PETITIONER BEFORE THE
ASSISTANT ENGINEER, GROUND WATER DEPARTMENT
DATED 27-2-2015 AND ITS TRANSLATION

EXT.P7: TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED
FROM THE OFFICE OF THE MINING AND GEOLOGY
DEPARTMENT DATED 3-3-2015 AND ITS TRANSLATION

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

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W.P. (C) No. 7801 of 2015 – C
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Dated this the 12th day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. This public interest litigation has been filed by the petitioner challenging Ext. P1 which is an order dated 5-09-2014 issued by the Department of Environment & Climate Change on the basis of the proceedings dated 7-08- 2014 of the State Environment Impact Assessment Authority, Kerala.

2. Petitioner's grievance is that after obtaining the said environmental clearance, the 10th respondent had caused substantial extraction damaging the hillock. He submits that representations have also been submitted before several authorities including the District Collector and Revenue

Divisional Officer.

3. The Public Interest Litigation challenging the clearance by Environmental Assessment Committee, do not call for any interference on the grounds which have been raised in the Writ Petition. Since the expert body has been examined and granted environmental clearance, it is not for this Court in this Writ Petition to enter into such issues, especially, when allegations in this regard is subsisting, subsequent to the clearance. In any event, if any conditions are violated, it is for the authorities competent to take appropriate action. But that cannot be a ground to interfere with the environmental clearance. Petitioner may pursue his remedy before the competent authorities.

With this observation, this Writ Petition is dismissed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFIQUE,
JUDGE

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/truecopy/

P.S.toJudge