

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 7844 of 2015 (E)

PETITIONER(S):

**ARUNAN T., AGED 56 YEARS,
S/O.LATE RAGHAVAN, ARUNALAYAM, IVERKALA WEST NORTH,
PUTHANAMBALAM P.O., KUNNATHUR TALUK, KOLLAM DISTRICT,
PIN - 691 533.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. KERALA STATE POLLUTION CONTROL BOARD,
PLAMOOD, PATTOM, THIRUVANANTHAPURAM-695 004,
REPRESENTED BY ITS MEMBER SECRETARY.**
- 2. GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, ASHRAMAM,
KOLLAM DISTRICT, PIN - 691 002.**
- 3. MYLAM GRAMA PANCHAYAT,
MYLAM P.O., KOTTARAKKARA VIA, KOLLAM DISTRICT,
PIN - 691 571, REPRESENTED BY ITS SECRETARY.**
- 4. VILLAGE OFFICER,
PUTHOOR (MYLAM), PUTHOOR P.O., KOTTARAKKARA VIA,
KOLLAM DISTRICT, PIN - 691 507.**
- 5. ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, CIVIL STATION, KOLLAM,
PIN 691 013.**
- 6. BAIJU P.,
SREE VISAKH, KOTTATHALA P.O., MYLAM VILLAGE,
KOLLAM DISTRICT, PIN 691 518.**

**R1 BY ADV. SRI. M.AJAY, SC
R2, R4 & R5 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R3 BY ADVS. SRI.K.SIJU
SMT.NIMA JACOB
R6 BY ADV. SRI.ALEXANDER GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE DOCUMENT NO.4213/2006 DATED 6.12.2006 OF THE SUB REGISTRY, KALAYAPURAM.

EXHIBIT-P2: TRUE COPY OF THE LAND TAX RECEIPT NO.1424184 OF BOOK NO.14242 DATED 20.6.2013 ISSUED FROM THE OFFICE OF THE 4TH RESPONDENT.

EXHIBIT-P3: TRUE COPY OF THE REPRESENTATION DATED 20.11.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND AND 1ST RESPONDENT.

EXHIBIT-P4: TRUE COPY OF THE REPRESENTATION DATED 19.12.2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD AND 4TH RESPONDENT.

EXHIBIT-P5: TRUE COPY OF THE REPRESENTATION DATED 5.1.2015 SUBMITTED BY THE PETITIONER BEFORE THE 5TH AND 2ND RESPONDENTS.

RESPONDENT(S)' EXHIBITS:

EXT.R6 A: THE PHOTOGRAPH OF THE SHED SITUATED IN THE PETITIONER'S PROPERTY.

EXT.R6 B: TRUE COPY OF THE VEHICLE PASS DATED 25.2.2010 ISSUED BY THE PETITIONER FOR TRANSPORTING THE QUARRY ITEMS.

EXT.R6 C: TRUE COPY OF THE LEASE ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY, KOLLAM.

EXT.R6 D: TRUE COPY OF TH ELICENSE FOR WORKING THE UNIT ISSUED BY THE MYLOM GRAMA PANCHAYAT.

EXT.R6 E: TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE (RENEWAL) ORDER DTD.22.12.2014 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, KOLLAM.

EXT.R6 F: TRUE COPY OF THE CERTIFICATE DTD.16.4.2013 ISSUED BY THE EXPLOSIVE SAFETY ORGANIZATION, ERNAKULAM.

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J

W.P(C) No. 7844 of 2015

Dated this the 29th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the quarrying operation carried on by the 6th respondent by reason of the fact that the petitioner's residence is within 50 meters from the quarry. The allegation has never been raised before the Pollution Control Board. The learned Standing Counsel for the Pollution Control Board submits on instruction that the permit of the 6th respondent has been extended up to 30.11.2015. In such circumstance, the petitioner would have to approach the appropriate authority being the first respondent raising an objection with respect to the residence being situated within 50 meters from the quarry. If such an objection is filed, necessarily, the same would have to be

considered by the 1st respondent after hearing the 6th respondent also.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge