

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 8365 of 2015 (U)

PETITIONER:

**KUNJUKUNJU, S/O.PAILY, AGED 50 YEARS,
PELAKKUDIYIL HOUSE, KANNARA P.O,
ORAPPANPARA, THRISSUR DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. KERALA STATE ENVIRONMENTAL IMPACT
ASSESSMENT AUTHORITY, PALLIMUKKU,
PETTA P.O, THIRUVANANTHAPURAM - 695 024,
REPRESENTED BY ITS CHAIRMAN.**
- 2. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT - 680001.**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRTARY TO GOVERNMENT,
ENVIORNMENT & CLIMATE CHANGE DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRTARIAT,
THRIUVANANTHAPURAM - 695 001.**
- 4. THE UNION GOVERNMENT OF INDIA,
REPRESENTED BY SECRETARY,
ENVIORNMENTAL DEPARTMENT,
NEW DELHI, PIN - 110006.**

**R1 TO R3 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE
R4 BY SRI.N.NAGARESH, A S G**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 8365 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1 : TRUE COPY OF ENVIRONMENTAL CLEARANCE CERTIFICATE
DATED 24-5-2014 ISSUED BY THE FIRST RESPONDENT TO THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 8365 of 2015

Dated this the 27th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"1. Issue a writ of mandamus or any other appropriate writ, order or direction directing the second respondent to issue permit and sufficient O(A) forms to the petitioner for transporting the ordinary earth on the basis of exhibit P1 environmental clearance without insisting renewal of the same.

2. Declare that once an environmental clearance has been issued it has been valid till removal of entire quantity of minor mineral mentioned therein and it is not required to renew the same.

3. Direct the third respondent to make an alternative arrangement to receive and consider the application for renewing exhibit P1 environmental clearance within a reasonable time which this honourable court may deem fit and proper in the interest of the justice and circumstances of the case."

2. The learned counsel for the petitioner submits that, the petitioner had obtained Ext.P1 Environmental Clearance Certificate dated 24.5.2014 issued by the 1st respondent. On the basis of Ext.P1, the 2nd respondent issued mining permit to the

petitioner. The petitioner wants renewal of the permit for which fresh Certificate is insisted and hence the writ petition.

3. Heard the learned Government Pleader as well, who points out that, Ext.P1 Certificate was issued subject to certain conditions and as such, fresh Environmental Clearance is necessary for considering the application for renewal. It is also brought to the notice of this Court during the course of hearing that, the office of the Environmental Clearance Committee is lying vacant and this Court, after considering the submission made across the bar both from the part of the State Government and Central Government, had directed the competent authority to reconstitute the Committee within one month, and that the period stipulated is already over.

4. In the above circumstance, the competent authority is directed to consider the application preferred by the petitioner for issuance of Environmental Clearance within one month. The application for renewal shall be considered by the 2nd respondent based on the said Certificate within one month thereafter. It is also made clear that, if for any reason the Committee is still to be constituted or if the Committee fails to consider and finalize the

matter as ordered above within 'one month', it shall be for the 2nd respondent to consider the application and take necessary steps for renewal in accordance with law, notwithstanding the availability of fresh Environmental Clearance or NOC as aforesaid. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn