

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 12190 of 2011 (W)

PETITIONER(S) :

1. **BRICK MANUFACTURERS ASSOCIATION (REG.NO.202/09)
PANAMARAM, WAYANAD-670 721
REPRESENTED BY ITS GENERAL SECRETARY P.K.SATHAR.**
2. **SUDHAKARAN P.K., SREE SUDHAPADMAM
CHEMBOTHARA, KOTTANAD P.O., MEPPADY (VIA)
WAYANAD DISTRICT-673 579.**

**BY ADVS.SRI.P.RAMAKRISHNAN
SRI.C.ANIL KUMAR**

RESPONDENT(S) :

1. **STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
2. **DEPARTMENT OF INDUSTRIES,
GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
3. **THE DISTRICT COLLECTOR-WAYANAD,
CIVIL STATION, KALPETTA-673 121.**
4. **THE GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE
MEENANGADI-673 591.**

R1 TO R4 BY SR. GOVT. PLEADER SRI. MOHAMMED SHAFI M.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-01-2015,
ALONG WITH WP(C) NO. 7464/2014 & WP(C) NO. 32223/2014, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : LIST OF MEMBERS OF THE 1ST PETITIONER ASSOCIATION.
- EXT.P2 COPY OF THE PROCEEDINGS OF THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, WAYANAD DATED 23.7.10.
- EXT.P3 COPY OF THE QUARRYING PERMIT DATED 10.12.07 ISSUED BY THE 4TH RESPONDENT TO THE 2ND PETITIONER.
- EXT.P4 COPY OF THE QUARRYING PERMIT DATED 12.11.08 ISSUED BY THE 4TH RESPONDENT TO THE 2ND PETITIONER.
- EXT.P5 COPY OF THE G.O.(MS) NO. 21/09/IND. DATED 7.2.09.
- EXT.P6 COPY OF THE APPLICATION DATED 7.11.09 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P7 COPY OF THE ACKNOWLEDGEMENT DATED 7.11.2009 FOR EXHIBIT P6 ISSUE BY THE OFFICE OF THE 3RD RESPONDENT.
- EXT.P8 COPY OF THE CLARIFICATION DATED 22.3.10 ISSUED BY THE 4TH RESPONDENT TO THE 2ND PETITIONER.
- EXT.P9 COPY OF THE STOP MEMO NO. L3-7010/2011(3) DATED 7.3.2011 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) Nos.12190 of 2011, 7464 & 32223 of 2014

Dated this the 15th day of January, 2015

JUDGMENT

Petitioners have approached this Court more or less with similar prayers. For convenience of reference, the prayers raised by the petitioner in WP(C) No.32223 of 2014 are extracted as given below:

"i) issue a writ of mandamus or any other appropriate writ, direction or order directing the 2nd respondent to consider and pass appropriate orders in accordance with law on the applications for no-objection submitted by the members of the petitioner association within a time frame to be fixed by this Honourable Court;

ii) to hold that the members of the petitioner association are entitled to carry out brick manufacturing activities as provided by the law, on obtaining necessary permission from the authorities concerned;

iii) to hold that the 2nd respondent is not justified in keeping the applications for no-objection certificate for an indefinite period without taking a decision thereon;

iv) be further pleased to issue such other writ direction or order as this Honourable Court deems just and proper in the circumstances of the case."

2. The learned counsel for the petitioners points out that, the license for procurement of clay/soil for the purpose of manufacturing bricks will be obtained from the Geology Department, only on production of 'N.O.C.' from the concerned

authorities. Hence, the members of the petitioner association preferred an application for 'N.O.C.' before the 2nd respondent. The grievance of the petitioners is that, no action has been taken by the 2nd respondent so far and the said application is pending consideration before the 2nd respondent since, 2011. Despite filing several applications/representations before the 2nd respondent/ District Collector, it has been simply kept in cold storage, which has affected the rights and interests of the petitioners in quite an adverse manner, particularly since the members of the petitioner's association find it very difficult to run their industrial units.

3. The learned Government Pleader appearing for the respondents submits that the applications preferred by the petitioner will be considered and appropriate orders will be issued within the shortest possible time.

In the said circumstances, all these writ petitions are disposed of, directing the 2nd respondent/District Collector, to pass appropriate orders on the concerned representations, which are stated as received as borne by Ext.P4(a) series receipts in WP (C) No.32223 of 2014 and such other representations, if any, in

accordance with law, after affording an opportunity of hearing to the petitioner association in a representative capacity. The proceedings as above shall be done, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent/District Collector, for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE**

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