

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 9388 of 2015 (W)

PETITIONER(S):

**GREENWORTH INFRASTRUCTURES (P) LTD .,
32/2982-B, SAHRUDAYA BUILDING, PONNURUNNI,
VYTTILA P.O., ERNAKULAM, REPRESENTED BY ITS
MANAGER, ALEX ABRAHAM, AGED 53 YEARS,
S/O.A.C. ABRAHAM, ARAPUZHICKADA HOUSE,
U.C. COLLEGE P.O., ALUVA WEST VILLAGE,
ALUVA TALUK, ERNAKULAM 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 CHAIRMAN
KERALA STATE ENVIRONMENTAL IMPACT
ASSESSMENT AUTHORITY, PALLIMUKKU,
PETTA P.O., THIRUVANANTHAPURAM-695 024.**
- 3. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
MALAPPURAM DISTRICT-689 530.**
- 4. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
ENVIRONMENT & CLIMATE CHANGE DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

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WP(C).No. 9388 of 2015 (W)

**5. UNION OF INDIA,
REPRESENTED BY ASSISTANT SOLICITOR GENERAL,
HIGH COURT OF KERALA, ERNAKULAM-682 018.**

**R3 & R4 BY SR. GOVT. PLEADER SRI.K.C. VINCENT.
R5 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
ADV. SRI.P.L. VENU KUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1:** TRUE COPY OF THE RESOLUTION RESOLVING MR.ALEX ABRAHAM TO REPRESENT THE COMPANY DATED 21.08.2014.
- EXHIBIT-P2:** TRUE COPY OF THE PROCEEDINGS OF THE CONSTRUCTION ENGINEER, KERALA LAND DEVELOPMENT CORPORATION LIMITED DATED 30.11.2013 ORDER NO.D2-80/13.
- EXHIBIT-P3:** TRUE COPY OF THE PROCEEDINGS OF THE CONSTRUCTION ENGINEER, KERALA LAND DEVELOPMENT CORPORATION LIMITED DATED 30.11.2013 ORDER NO.D2-75/13.
- EXHIBIT-P4:** TRUE COPY OF THE PROCEEDINGS OF THE CONSTRUCTION ENGINEER, KERALA LAND DEVELOPMENT CORPORATION LIMITED DATED 30.11.2013 ORDER NO.D2-77/13.
- EXHIBIT-P5:** TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 18.09.2014 ISSUED BY THE FIRST RESPONDENT.
- EXHIBIT-P6:** TRUE COPY OF APPLICATION DATED 06.03.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.
- EXHIBIT-P7:** TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 25.02.2015 IN WP(C).NO. 2331/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9388 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

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 third respondent to issue permit and sufficient O(A) forms to the petitioner to remove and transport ordinary earth on the basis of Exhibit P5 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 fourth respondent to make an alternative arrangement to consider Exhibit P6 application for renewing Exhibit P5 Environmental Clearance within a reasonable time which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.

4. Issue such other writ, orders or directions, which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case."

2. The learned counsel for the petitioner submits that, Ext.P6 application for renewal of the environmental clearance

certificate preferred by the petitioner before the first respondent is pending consideration for quite a long and the delay in considering and finalising the same made the petitioner to approach this Court by filing the writ petition.

3. It is stated that the office of the competent authority was lying vacant and in the said circumstances, Ext.P7 judgment was passed by this Court in WP(C) No.2331 of 2015, directing the concerned respondent to reconstitute the competent authority within a specified time. The said period has almost come to an end.

4. In the above circumstances, there will be a direction to the first respondent/competent authority to consider and pass appropriate orders on Ext.P6 in accordance with law, as expeditiously as possible, at any rate, within 'one month' from the date of receipt of a copy of this judgment. If it is not done within the said period, it will be open for the 3rd respondent to issue MTP in Form O(A) to the petitioner, notwithstanding the renewal of Environmental Clearance.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the first and third respondents, for further steps.

The writ petition is disposed of.

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

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