

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 13276 of 2012 (H)

PETITIONER(S):

- *1. SABU, S/O. MATHEW, AGED 44 YEARS,
EDAKKARA HOUSE, PATHANPARA P.O.,
ALAKKODE-760 571, THALIPARAMBU TALUK.**
- 2. SUBIN, S/O. AUGUSTINE, AGED 32 YEARS,
EDAKKARA HOUSE, PATHANPARA P.O.,
ALAKKODE-760 571, THALIPARAMBU TALUK.**
- * THE 1ST PETITIONER EXPIRED AS PER ORDER DATED 29/07/2015
IN MEMO OF C.F.6091/2015.**

BY ADV. SRI.MATHEW GEORGE VADAKKEL.

RESPONDENT(S):

- 1. NADUVIL GRAMA PANCHAYATH,
KANNUR DISTRICT-670 582,
REPRESENTED BY THE SECRETARY.**
- 2. THE SECRETARY,
NADUVIL GRAMA PANCHAYATH,
KANNUR DISTRICT-670 582.**
- 3. GEOLOGIST,
MINING & GEOLOGY DEPARTMENT,
DISTRICT OFFICE, KANNUR-670 582.**
- 4. POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHAIRMAN,
THIRUVANANTHAPURAM, PATTOM P.O., PIN-695 014.**
- 5. TAHSILDAR, TALIPARAMBU TALUK OFFICE,
THALIPARAMBU, KANNUR-670 582.**
- 6. GENERAL MANAGER,
DISTRICT INDUSTRIAL CENTRE,
KANNUR-670 582.**

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**7. DIRECTOR OF MINE'S SAFETY,
CHENNAI REGION, 2ND STREET,
ANNA NAGAR, CHENNAI-600 040.**

**8. ALI KUNHI, S/O. HUSSAIN,
KADEKKARA HOUSE, PROPRIETOR,
PATHANPARA STONE CRUSHER, EDAKKOM P.O.,
KANNUR-670 581.**

**R1 & R2 BY ADVS. SRI.V.A.SATHEESH,
SRI.V.T.MADHAVANUNNI,
SRI.J.ABHILASH.
R3, R5 & R6 BY GOVT. PLEADER SRI.S. JAMAL.
R4 BY ADV. SRI.PHILSON MATHEWS, SC.
R8 BY ADVS. SRI.K.V.SOHAN,
SMT.SREEJA SOHAN.K.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-07-2015, ALONG WITH WP(C).NO.10838 OF 2014, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE REPLY FURNISHED BY THE 2ND RESPONDENT.
- EXT.P2 COPY OF THE INFORMATION FURNISHED BY THE 8TH RESPONDENT
BEFORE THE 6TH RESPONDENT GENERAL MANAGER,
DISTRICT INDUSTRIAL CENTRE.
- EXT.P2A COPY OF THE INFORMATION FURNISHED BY THE 8TH RESPONDENT
BEFORE THE 6TH RESPONDENT GENERAL MANAGER,
DISTRICT INDUSTRIAL CENTRE.
- EXT.P3 COPY OF THE REPRESENTATION DATED 30/12/2011 SUBMITTED
BY THE PETITIONERS AND OTHERS.
- EXT.P4 COPY OF THE REPORT DATED 23/12/2011 OF THE TAHSILDAR.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. Vinod Chandran, J

W.P.(C).Nos.13276 of 2012-H & 10838 of 2014-D

Dated this the 29th day of July, 2015

JUDGMENT

The petitioners in both the writ petitions are aggrieved with the quarrying and crusher operations carried on by one K.Alikunhi, who is the 8th respondent in W.P.(C).No.13276 of 2012 and the 1st respondent in W.P.(C).No.10838 of 2014. The 1st petitioner in W.P.(C).no.13276 of 2012 is reported to be no more.

2. In any event, now the controversy is only with respect to the activities carried on by the said Alikunhi. The petitioner in W.P.(C).No.10838 of 2014 having filed a representation before the additional 8th respondent, the Kerala State Pollution Control Board [for brevity “the Board”], as indicated at Exhibit P10, the writ petitions can be closed directing the Board to carry out an inspection of the premises and decide on the grievances of the residents after issuing notice to the petitioners herein as also the said Alikunhi, who is a respondent in both the writ petitions.

3. The petitioners and the said Alikunhi shall appear before the additional 8th respondent on 12.08.2015. The proceedings shall be finalised after conducting an inspection, in the presence of the objectors as also the unit holder, within three months from the date of appearance. Admittedly Alikunhi, the unit holder, does not have any environmental clearance. In such circumstance, no quarrying operations can be carried on by him until such certificate is obtained. The unit holder would submit that an application is pending for the same. But, without a clearance certificate no quarrying operations can be conducted.

The writ petitions are disposed of as above. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]