

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. 9575 of 2015 (V)

PETITIONER(S):

**MANJESH, S/O.NEELAKANDAN,
AGED 35 YEARS, VALLIYATH, THENGODE P.O.,
KAKKANADU VILLAGE, KANAYANNUR 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 DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT-680 001. (CORRECTED)**

*** THE ADDRESS OF THE 2ND RESPONDENT IS CORRECTED AS**

**" THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
ERNAKULAM DISTRICT-682 030. "**

AS PER ORDER DATED 27/03/2015 IN I.A. NO.4727/2015.

**3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
ENVIRONMENT AND CLIMATE CHANGE DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

WP(C).No. 9575 of 2015 (V)

**4. THE UNION GOVERNMENT OF INDIA,
REPRESENTED BY SECRETARY,
ENVIRONMENTAL DEPARTMENT,
NEW DELHI-110 006.**

**R1 TO R3 BY GOVT. PLEADER SRI.JOSEPH GEORGE.
R4 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
ADV. SRI.M.A.VINOD, CGC.**

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE
DATED 07/08/2014 ISSUED BY THE FIRST RESPONDENT.
- EXT.P2 COPY OF THE NO OBJECTION CERTIFICATE DATED 29/09/2014
ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM.
- EXT.P3 COPY OF THE QUARRYING PERMIT DATED 07/10/2014
ISSUED BY THE SECOND RESPONDENT.
- EXT.P4 COPY OF THE JUDGMENT OF THIS HON'BLE 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. 9575 of 2015

Dated this the 27th 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 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 and fourth respondents to make alternative arrangements to consider 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 7.8.2014 issued by the 1st respondent and also necessary NOC issued by the District Collector as borne by Ext.P2

dated 29.9.2014. It was accordingly that Ext.P3 quarrying permit was issued by the 2nd respondent on 7.10.2014. 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 directed the competent authority to constitute Committee within one month as per Ext.P4 judgment. The period stipulated as per Ext.P4 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 and application for renewal shall be considered by the 2nd respondent

based on the said Certificate within one month thereafter. It is also made a mention 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 took 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 step.

The writ petition is disposed of.

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

kp/-