

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 10177 of 2015 (V)

PETITIONER(S):

**TINSON JOHN,
MANAGING PARTNER, M/S. AISWARYA GRANITES,
ARKKANNOOR P.O., ELAMADU, KOTTARAKKARA TALUK,
KOLLAM DISTRICT, KERALA - 691 533.**

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF ENVIRONMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, KERALA,
PALLIMUKKU, PETTAH P.O., THIRUVANANTHAPURAM- 695 024,
REPRESENTED BY ITS MEMBER SECRETARY.**
- 3. STATE EXPERT APPRAISAL COMMITTEE,
REPRESENTED BY ITS SECRETARY & DIRECTOR OF ENVIRONMENT
AND CLIMATE CHANGE,
DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE,
PALLIMUKKU, PETTAH P.O., THIRUVANANTHAPURAM - 695 024.**

R BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1-COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER THROUGH E-MAIL DATED 26/09/2013

EXHIBIT P2- COPY OF THE MINUTES OF THE 20TH MEETING OF STATE LEVEL EXPERT APPRAISAL COMMITTEE DATED 5TH OCTOBER, 2013.

EXHIBIT P3- COPY OF THE INTIMATION DATED 1ST NOVEMBER, 2013.

EXHIBIT P4- COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER THROUGH E-MAIL DATED 16/04/2014.

EXHIBIT P5- COPY OF MINUTES OF 29TH MEETING OF THE SEAC KERALA HELD ON 2ND AND 3RD OF MAY, 2014.

EXHIBIT P6- COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER THROUGH E-MAIL DATED 28/05/2014.

EXHIBIT P7- COPY OF THE MINUTES OF THE 30TH MEETING OF THE SEAC KERALA HELD ON 6TH AND 7TH OF JUNE, 2014.

EXHIBIT P8- COPY OF THE OFFICE MEMORANDUM ISSUED BY THE MINISTRY OF ENVIRONMENT AND FORESTS, NO. J-13012/12/2013-1A-II(1) DATED 24/12/2013.

EXHIBIT P9- COPY OF THE CADASTRAL PLAN ISSUED BY THE VILLAGE OFFICER TO THE PETITIONER AND PRODUCED BEFORE SEIAA.

EXHIBIT P10- COPY OF THE REPRESENTATION DATED 10/06/2014 BEFORE THE 2ND RESPONDENT.

EXHIBIT P11- COPY OF THE MINUTES OF THE 31ST MEETING OF STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY DATED 26/06/2014.

EXHIBIT P12- COPY OF THE MINUTES OF 31ST MEETING OF THE SEAC KERALA HELD ON 30TH AND 31ST JULY, 2014.

EXHIBIT P13- COPY OF THE CIRCULAR DATED 14/05/2009 NO.J-11013/41/2006-IA-II(I) BY MINISTRY OF ENVIRONMENT AND FORESTS, GOVERNMENT OF INDIA.

EXHIBIT P14- COPY OF THE JUDGMENT DATED 29/08/2014 IN W.P(C) 20321 OF 2014 OF THIS HON'BLE COURT

EXHIBIT P15- COPY OF THE LETTER DATED 18/09/2014 ISSUED BY THE 3RD RESPONDENT TO THE VILLAGE OFFICER, ELAMADU VILLAGE.

EXHIBIT P16- COPY OF THE REPORT DATED 13/10/2014 SUBMITTED BY THE VILLAGE OFFICER BEFORE THE 3RD RESPONDENT.

**EXHIBIT P17- COPY OF THE INTEGRATED CONSENT TO ESTABLISH ISSUED BY THE
POLLUTION CONTROL BOARD.**

**EXHIBIT P18- COPY OF THE REPLY UNDER RTI ACT 2005, ISUSED BY THE PUBLIC
INFORMATION OFFICER OF THE OFFICE OF THE 3RD RESPONDENT.**

**EXHIBIT P19- COPY OF THE JUDGMENT DATED 11/12/2014 IN W.P(C) 31271 OF 2014
OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10177 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"(a) To declare that the applications of the petitioner numbered as 127/SEIAA/KL/2368/2013, 128/SEIAA/KL/2369/2013 & 129/SEIAA/KL/2370/2013, shall be deemed to have been allowed environmental clearance as per law for all the purposes for conducting quarrying and the petitioner is entitled to proceed with accordingly;

(b) To direct the 2nd and 3rd respondents to finalize the environment clearance of the projects of the petitioner which were numbered as 127/SEIAA/KL/2368/2013, 128/SEIAA/KL/2369/2013 & 129/SEIAA/KL/2370/2013, as directed in Ext.P19; and

(c) To issue an appropriate writ or order or direction to the respondents that this Hon'ble Court may deem fit and proper to the facts and circumstances of the case."

2. The learned counsel appearing for the petitioner submits that because of the laxity and failure on the part of the concerned respondents to constitute the concerned Committee for granting environmental clearance, the petitioner finds it extremely difficult to conduct the quarrying operations, which in turn, has resulted in much loss to the petitioner. It is also brought to the notice of this Court that the petitioner had approached this Court earlier by filing W.P.(C) No.31271/2014, which was disposed of as per Ext.P19 judgment, whereby the petitioner's grievance as projected in the concerned representation was held as sustainable and accordingly, the competent authority was directed to consider the matter (Project under B2 category) and to take decision in the next meeting itself.

3. The learned Senior Government Pleader submits that, pursuant to the direction issued by this Court in some other cases, the Environmental Committee has already been constituted, and as such, the prayer No.B raised in the writ petition can be considered and finalized in the light of the

direction already given by this Court as per Ext.P19.

4. In the above circumstances, there will be a direction to the competent authority to finalize the matter with regard to the granting of environmental clearance to the petitioner which is stated as numbered as *127/SEIAA/KL/2368/2013, 128/SEIAA/KL/2369/2013 & 129/SEIAA/KL/2370/2013*, and pass appropriate orders in accordance with law, in the next meeting itself.

5. The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondent, for further steps.

The writ petition stands disposed of.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-