

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. 10465 of 2015 (G)

PETITIONER :

**THANKACHAN M.S.,
S/O. SEBASTIAN, MATHALIKUNNEL HOUSE
KOOMBARA BAZAAR P.O., KODARANJI,
KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S) :

- 1. THE DIRECTOR OF MINING AND GEOLOGY
THE DIRECTORATE OF MINING AND GEOLOGY
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE SENIOR GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, KOZHIKKODE, PIN-673 001.**
- 3. THE SECRETARY
KODARANHI GRAMA PANCHAYAT,
KOZHIKODE DISTRICT
PIN:673 503.**

R1 & R2 BY SR. GOVT. 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:**

Mn

...2/-

WP(C).No. 10465 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE ENVIRONMENTAL CLEARANCE ISSUED TO THE GRANITE QUARRY OF THE PETITIONER DATED 5.12.2014.**
- EXHIBIT P2: TRUE COPY OF THE INSPECTION REPORT PREPARED BY THE 2ND RESPONDENT DATED 17.3.2015.**
- EXHIBIT P3: TRUE COPY OF THE CONSENT LETTER GIVEN BY THE 3RD RESPONDENT DATED 9.2.2015.**
- EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 19.2.2015 IN WP(C) NO.5162/2015 OF THIS HON'BLE COURT.**
- EXHIBIT P5: TRUE COPY OF THE ORDER DATED 20.3.2015 ISSUED BY THE FIRST RESPONDENT AS NO.2846/M3/2015.**
- EXHIBIT P6: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 23.3.2015 AS NO.D.O.Z/M.144/15.**
- EXHIBIT P7: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 21.3.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10465 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner is stated as aggrieved by Ext.P6 communication dated 23.03.2015 issued by the 2nd respondent whereby the petitioner is required to satisfy some additional requirements in spite of the fact that all the relevant materials have already been produced by the petitioner for considering the application for granting the quarrying lease.

2. The factual position disclosing in the writ petition is that the petitioner had obtained Ext.P1 environmental clearance and applied for mining lease. Ext.P2 is the site inspection report of the Geologist, which says that though it deals with factual particulars as to the location of the property concerned, it has to be considered by the concerned local authority as well. Ext.P3 is the consent dated 09.02.015 issued by the local authority.

3. The matter was directed to be considered and finalized by this Court as per Ext.P4 direction given in W.P.(C) No.5162/2015 on 19.02.2015. It is without any regard to the sequence of events, that the 2nd respondent has now issued Ext.P6, which is *per se* wrong and illegal in all respects and under challenge.

4. Heard the learned Senior Government Pleader as well, who submits that during the course of consideration the 2nd respondent raised some doubt with regard to certain aspects and it was accordingly sought to be clarified from the Panchayat, vide Ext.P6. On receipt of the clarification, the proceedings will be finalized within the shortest possible time, is the submission.

5. After hearing both the sides, the 1st respondent is directed to finalize the matter as already directed by this Court. The laxity on the part of the concerned respondent cannot but be deprecated. The proceedings shall be finalized at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment, without insisting for any further consent to be obtained from the local authority.

6. The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 1st respondent, for further steps.

The writ petition is disposed of.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-