

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14309 of 2015 (K)

PETITIONER(S) :-

ITHAPPIRI VARGHESE, AGED 65 YEARS
S/O.ITHAPPIRI, EDAPPARAYIL HOUSE, MUZHUVANNOOR VILLAGE
MUZHUVANNOOR PO, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :-

1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY
ERNAKULAM DISTRICT-682030.
2. THE DIRECTOR,
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695 001.
3. THE STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SRI.MOHAMED SHAFI M.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 14309 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

P1 : TRUE COPY OF THE BUILDING PERMIT DATED 21-3-2015 ISSUED BY
THE SECRETARY, MUZHUVANNOOR GRAMA PANCHAYATH.

P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT DATED 26-3-2015.

P3 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN THE
WRIT PETITION SUBMITTED BY THE PETITIONER DATED 10-4-2015 IN
WPC.NO.12145 OF 2015.

P4 : TRUE COPY OF THE ORDER DATED 8-5-2015 ISSUED BY THE FIRST
RESPONDENT TO THE PETITIONER.

P5 : TRUE COPY OF THE GO NO.12/14/ENVT DATED 15-11-2014.

P6 : TRUE COPY OF THE GO NO.2/14/ENVT DATED 21-2-2014.

P7 : TRUE COPY OF THE INTERIM ORDER OF HONOURABLE NATIONAL GREEN
TRIBUNAL DATED 31-3-2015 IN APPLICATION NO.67/2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.14309 of 2015

Dated this the 12th day of May 2015

J U D G M E N T

The petitioner submits that his application for transportation of ordinary earth may be considered in the light of Rule 14(2) of the Kerala Minor Mineral Concession Rules, 2015 in the light of Ext.P3 judgment, notwithstanding Ext.P7 order passed by the National Green Tribunal (NGT).

2. As the challenge before the NGT was only with regard to the government orders and the Rule 14(2) of the Kerala Minor Mineral Concession Rules, 2015 is not a subject matter before the NGT, there shall be a direction to the first respondent to do the needful to comply with Ext.P3 judgment within a period of one week from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
J U D G E