

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. 14341 of 2015 (P)

PETITIONER(S):

**METRO AGGREGATES AND SAND INDIA PRIVATE LIMITED,
EDAKKODE, NEMOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR, THOMAS PHILIP.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT(S):

- 1. THE SECRETARY, PALLICHAL GRAMA PANCHAYAT,
PALLICHAL, THIRUVANANTHAPURAM.**
- 2. THE PALLICHAL GRAMA PANCHAYAT,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.**

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 :** TRUE COPY OF PROCEEDINGS BY THE DIRECTOR OF MINING AND GEOLOGY DT 20-9-2008 GRANTING QUARRYING LEASE TO THE PETITIONER.
- P2 :** TRUE COPY OF COMPOSITE LICENSE DT 2-4-2014 ISSUED TO THE PETITIONER U/S.232, 233, 234 AND 254 OF THE KERALA PANCHAYAT RAJ ACT, 1994 FOR CRUSHER UNIT.
- P3 :** TRUE COPY OF COMPOSITE LICENSE DT 2-4-2014 ISSUED TO THE PETITIONER U/S.232, 233, 234 AND 254 OF THE KERALA PANCHAYAT RAJ ACT, 1994 FOR QUARRYING.
- P4 :** TRUE COPY OF CONSENT DT 8-3-2013 ISSUED BY THE POLLUTION CONTROL BOARD TO THE PETITIONER.
- P5 :** TRUE COPY OF CONSENT DT 22-4-2014 ISSUED BY THE POLLUTION CONTROL BOARD TO THE PETITIONER.
- P6 :** TRUE COPY OF JUDGMENT DT 20-12-2014 IN WPC.NO.34918/2014 PASSED BY THIS HON'BLE COURT.
- P7 :** TRUE COPY OF NOC ISSUED BY THE DISTRICT MEDICAL OFFICER, TRIVANDRUM DT 6-3-2014.
- P8 :** TRUE COPY OF LICENSE ISSUED FROM THE OFFICE OF THE DIRECTOR, FACTORIES AND BOILERS DT 10-12-2014.
- P9 :** TRUE COPY OF EXPLOSIVE LICENSE ISSUED TO THE PETITIONER DT 7-3-2014.
- P10 :** TRUE COPY OF CERTIFICATE OF COMPETENCY OF THE PERSON EMPLOYED BY THE PETITIONER (MINE FOREMAN)
- P11 :** TRUE COPY OF CERTIFICATE OF COMPETENCY OF THE PERSON EMPLOYED BY THE PETITIONER (MINE MANAGER)
- P12 :** TRUE COPY OF NOC ISSUED BY THE DIVISIONAL OFFICER, FIRE AND RESCUE SERVICES DT 23-10-2014.
- P13 :** TRUE COPY OF NOC ISSUED BY THE DIVISIONAL OFFICER, FIRE AND RESCUE SERVICES, TRIVANDRUM FOR MAGAZINE DT 23-10-2014.
- P14 :** TRUE COPY OF PERMISSION GIVEN BY THE DIRECTOR OF MINES SAFETY DT 30-9-2013.
- P15 :** TRUE COPY OF APPLICATION FOR RENEWAL OF LICENSE FOR CONDUCTING QUARRY.

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P16 : TRUE COPY OF APPLICATION FOR RENEWAL OF LICENSE FOR CONDUCTING CRUSHER UNIT.

P17 : TRUE COPY OF INTERIM ORDER DT 5-2-2015 IN CRL.M.C.NO.580/2015 PASSED BY THIS HON'BLE COURT.

P18 : TRUE COPY OF INTERIM ORDER DT 8-4-2015 IN WPC.NO.11652/2015 PASSED BY THIS HON'BLE COURT.

P18 (A): TRUE COPY OF INTERIM ORDER DT 5-5-2015 IN WPC.NO.13025/2015 PASSED BY THIS HON'BLE COURT.

P19 : TRUE COPY OF INTIMATION DT 8-5-2015 ISSUED BY THE RESPONDENT REFUSING THE APPLICATION FOR RENEWAL.

P20 : TRUE COPY OF ORDER DT. 4-3-2015 IN WPC.NO.6660/2015 PASSED BY THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.14341 of 2015
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Dated this the 12th day of May, 2015

JUDGMENT

Petitioner approached this Court aggrieved by Ext.P19 order passed by the panchayath refusing to renew the license. Petitioner relies on Ext.P20 judgment of this Court.

2. I am of the view, panchayath has to consider directions in Ext.P20 while considering the application. Therefore, Ext.P19 is set aside. There shall be a direction to the Secretary of Panchayath to reconsider the matter in the light of Ext.P20 judgment within a period of four weeks from the date of receipt of a copy of this judgment. Till a decision is taken, no coercive steps shall be taken against the petitioner.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/13/05/15