

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 16150 of 2015 (P)

PETITIONER(S):

**THOMAS SCARIA @ THOMACHAN,
S/O.SCARIA, CHERUNILATH HOUSE, EZHACHERY (P.O.),
KOTTAYAM DISTRICT.**

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENT(S):

- 1. SENIOR GEOLOGIST,
DISTRICT OFFICE OF MINING AND GEOLOGY, COLLECTORATE,
KOTTAYAM, PIN-686 002.**
- 2. THE RAMAPURAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, RAMAPURAM BAZAR (P.O.),
KOTTAYAM DISTRICT, PIN-686 576.**
- 3. BENNY THOMAS,
URULUPADIKKAL HOUSE, RAMAPURAM BAZAR (P.O.),
KOTTAYAM DISTRICT, PIN-686 576.**

R1 BY GOVERNMENT PLEADER SRI.GIKKU JACOB

R2 BY ADV. SRI.P.C.HARIDAS

R3 BY ADV. SRI.DEVAN RAMACHANDRAN

SRI.K.M.ANEESH

SRI.ADARSH KUMAR

SRI.BIJU VARGHESE ABRAHAM

SRI.DILEEP CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 16150 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : TRUE COPY OF THE REPRESENTATION DATD 18-5-2015 SUBMITTED BEFORE
THE 1ST RESPONDENT.**

**P2 : TRUE COPY OF THE REPRESENTATION DATED 18-5-2015 SUBMITTED BEFORE
THE 2ND RESPONDENT ALONG WITH THE RECEIPT.**

RESPONDENT(S)' EXHIBITS:

EXT.R3(a): TRUE COPY OF THE LICENCE ISSUED BY THE 2D RESPONDENT.

**EXT.R3(b): TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE POLLUTION
CONTROL BOARD,.**

**EXT.R3(c): TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE
1ST RESPONDENT DTD.13.2.2012.**

**EXT.R3(d): TRUE COPY OF THE QUARRYING PERMIT ISSUED TO 3RD RESPONDENT
DTD.2.5.2014.**

**EXT.R3(e) TRUE COPY OF THE EXPLOSIVE LICENCE ISSUED TO 3RD RESPONDENT
DTD.29.12.2014.**

**EXT.R3(f): TRUE COPY OF THE ORDER IN IA.198/2015 IN OS.33/2015 OF MUNSIFF
COURT, PALA.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.16150/2015**

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Dated this the 23rd Day of September, 2015

J U D G M E N T

The petitioner has approached this Court for the following reliefs:

“Issue a writ of mandamus or any other appropriate writ, direction or order, directing the 1st respondent to consider the contentions raised in Exhibit P1 representation filed by the petitioner and others while considering the application for renewal of Geology permit the 3rd respondent for running the quarry and insist to obtain environmental clearance from the State Environment Impact Assessing Authority, in the interest of justice.

ii. Issue a writ of mandamus or any other appropriate writ, direction or order, directing the 2nd respondent to consider the contentions raised in Exhibit P2 representation filed by the petitioner and

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others while considering the application for renewal of Licence to the 3rd respondent for running the quarry and insist to obtain environmental clearance from the State Environment Impact Assessing Authority, in the interest of justice.

iii. Issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondents 1 and 2 to see that no quarry is operated by the 3rd respondent within the dangerous of 300 meters from any residential houses, in the interest of justice."

2. It is admitted now that the permit and licence for operating quarry of the third respondent have expired. The third respondent cannot operate quarry without obtaining quarrying licence. The third respondent is free to move an application for renewal of quarrying licence and also for obtaining necessary permission for operating the quarry in accordance with law. It is made clear the the third respondent shall not operate quarry without obtaining permission under law.

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The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms