

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 18656 of 2015 (F)

PETITIONER(S):

**G.SUDARSANAN, AGED 51 YEARS,
S/O GOVINDAN, SURJITH BHAVAN, MARANALLOOR,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S):

- 1. MARANALLOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY (SPECIAL GRADE) MARANALLOOR
THIRUVANANTHAPURAM-6955102.**
- 2. STATE LEVEL ENVIRONEMNT IMPACT
ASSESSMENT AUTHORITY, KERALA,
DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE,
PALLIMUKKU, PETTAH, THIRUVANANTHAPURAM-695024,
REPRESENTED BY ITS MEMBER SECRETARY.**
- 3. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINING AND GEOLOGY, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 4. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY
MINISTRY OF ENVIRONMENT AND FOREST,
OFFICE OF MINISTRY OF ENVIRONMENT AND FOREST,
NEW DELHI-110 001.**

**R1 BY ADV. SRI.M.R.SARIN
R3 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
R4 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 18656 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE LICENSE NO.B2-2115(II)14-015 DATED 23.4.2014
ISSUED BY THE IST RESPONDENT FOR 2014-15.**

**EXHIBIT P2: A TRUE COPY OF THE QUARRY LEASE DATED 16.5.2007 ENTERED
BETWEEN THE GOVERNMENT AND PETITIONER.**

**EXHIBIT P3: A TRUE COPY OF THE COMMUNICATION NO.B2-3545/15 DATED
5.6.2015 ISSUED BY THE IST RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18656 of 2015

Dated this the 1st day of July, 2015.

JUDGMENT

Aggrieved by the non-renewal of the petitioner's licence for extracting minor mineral for the period 2015-2016 by the respondent panchayat on the ground that the petitioner has not produced any clearance certificate from the second respondent, the petitioner has come up before this Court.

2. The petitioner alleges that on receipt of application for renewal of licence, the panchayat has informed the petitioner that he will have to produce environmental clearance from the second respondent, State Level Environment Impact Assessment Authority so as to enable the Panchayath to proceed for renewal of panchayat licence. Ext.P3 is illegal and unsustainable. No environmental clearance is required in respect of the quarrying based on Ext.P2 quarrying lease. Reason is that Ext.P2 quarrying lease was issued on 16.5.2007 much prior to the issuance of order dated 18.5.2012 by the

Government of India, Ministry of Environment and Forests. Therefore, no environment clearance with regard to extraction of minor mineral is required in the matter. The petitioner further alleges that he is not conducting any new activity and he has been conducting quarrying based on the quarry lease dated 16.5.2007.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent panchayat in the matter.

4. Today, when the matter came up for hearing, the learned counsel for the respondent panchayat on instructions submitted that the panchayat is ready to consider the petitioner's application in the light of the decision of this Court in **All Kerala River Protection Council, Aluva v. State of Kerala and others [2015 (2) KLT 359]**.

In the light of the said submission, the writ petition is disposed of directing the respondent panchayat to consider the petitioner's application in the light of the aforesaid decision,

after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent panchayat at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.