

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C) .No. 19684 of 2015 (I)

PETITIONER(S) :

SUDHEESH A.T. ,
AGED 30 YEARS, S/O. THANKACHAN,
ADAKKATHOTTATHIL HOUSE, RATTAKUNDU,
KUMBLERY P.O. , WAYANAD DISTRICT.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.N.SHAMSUL HUDA

RESPONDENT(S) :

1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 673 122.
2. DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, KALPETTA,
WAYANAD DISTRICT, PIN-673 122.
3. SUPERINTENDENT OF POLICE/DISTRICT POLICE CHIEF,
KALPETTA, WAYANAD DISTRICT, PIN-673 122.
4. ADDITIONAL DISTRICT MAGISTRATE,
WAYANAD COLLECTORATE, CIVIL STATION,
KALPETTA WAYANAD DISTRICT, PIN-673 122.
5. GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, MEENANGADI, WAYANAD DISTRICT,
PIN-673 591.
6. VILLAGE OFFICER,
ACHOORANAM VILLAGE, VYTHIRI TALUK,
WAYANAD DISTRICT, PIN-673 575.

BY GOVERNMENT PLEADER SRI.JIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 : TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 6TH RESPONDENT.
- EXT. P1(A) : TRUE COPY OF THE CONSENT DATED 11/07/2013 GIVEN TO THE PETITIONER BY SMT.PRATHIBHA AND HER CHILDREN.
- EXT. P2 : TRUE COPY OF THE APPLICATION DATED 25/09/2013 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT. P3 : TRUE COPY OF THE PROCEEDING DATED 08/10/2013 OF THE 4TH RESPONDENT.
- EXT. P4 : TRUE COPY OF THE LETTER DATED 24/10/2013 ISSUED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, WAYANAD, KALPETTA.
- EXT. P5 : TRUE COPY OF THE QUARRYING PERMIT DATED 21/08/2013 ISSUED BY THE 5TH RESPONDENT VALID UP TO 20/08/2014.
- EXT. P6 : TRUE COPY OF THE NOC DATED 24/10/2013 ISSUED BY THE ASSISTANT DIVISIONAL OFFICER, FIRE & RESCUE SERVICES, KALPETTA.
- EXT. P7 : TRUE COPY OF THE NOC DATED 17/10/2013 ISSUED BY THE 5TH RESPONDENT.
- EXT. P8 : TRUE COPY OF THE PROCEEDING DATED 13/12/2013 OF THE TAHSILDAR, VYTHIRI TALUK.
- EXT. P9 : TRUE COPY OF THE POLICE CLEARANCE CERTIFICATE DATED 20/09/2013 ISSUED BY THE SUB INSPECTOR OF POLICE, AMBALAVAYAL POLICE STATION.
- EXT. P9(A) : TRUE COPY OF THE REPORT DATED 24/10/2013 OF THE SUB INSPECTOR OF POLICE, VYTHIRI POLICE STATION.
- EXT. P10 : TRUE COPY OF THE TRUE COPY OF THE PROCEEDING DATED 12/11/2013 OF THE 6TH RESPONDENT.
- EXT. P11 : TRUE COPY OF THE LETTER DATED 26/08/2014 OF THE 2ND RESPONDENT FORWARDED TO THE 3RD RESPONDENT.
- EXT. P12 : TRUE COPY OF THE PROCEEDING DATED 17/09/2014 OF THE 3RD RESPONDENT.
- EXT. P13 : TRUE COPY OF THE PROCEEDING DATED 19/05/2015 OF THE 5TH RESPONDENT.
- EXT. P14 : TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE DATED 20/05/2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, VALID UP TO 31/01/2018.

EXT. P15 : TRUE COPY OF THE PROCEEDING DATED 27/06/2014 OF THE 3RD
RESPONDENT.

EXT. P16 : TRUE COPY OF THE NOC DATED 26/08/2014 ISSUED BY THE 3RD
RESPONDENT.

EXT. P17 : TRUE COPY OF THE NOC DATED 27/12/2014 ISSUED BY THE 3RD
RESPONDENT.

EXT. P18 : TRUE COPY OF THE NOC DATED 27/05/2015 ISSUED BY THE 3RD
RESPONDENT.

EXT. P19 : TRUE COPY OF THE ORDER NO.2011/25119/12/M1 DATED 10/03/2015
ISSUED BY THE 2ND RESPONDENT.

EXT. P20 : TRUE COPY OF THE JUDGMENT DATED 24/10/2013 IN WP(C)26453/2012 OF
THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.19684 of 2015

Dated this the 8th day of September, 2015.

J U D G M E N T

The petitioner, challenging return of NOC for obtaining explosive licence, has approached this Court.

2. The petitioner submits that he is in possession of all necessary licence for operating the quarry. It is submitted that all adjacent quarry operators are given NOC. The petitioner also relies on Ext.P20 judgment of this Court in W.P.(C)No.26453/12. This Court is of the view that, the matter requires re-consideration in the light of necessary permit obtained by the petitioner including the environmental clearance certificate. Therefore, it shall be re-considered in the light of Ext.P20 judgment, within 3 weeks of receipt of copy of this judgment in accordance with law.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge