

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937**

**WP(C).No. 20467 of 2015 (G)**  
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**PETITIONER(S) :**  
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1. SAJI THOMAS, AGED 44 YEARS,  
S/O.THOMAS, KUNNATHU HOUSE, MANKOMBUKARA,  
MOONNILAVU VILLAGE, MECHAL P.O., MEENACHIL TALUK,  
KOTTAYAM DISTRICT.
2. BIJUMON P.D.,  
PARAMTHOTTU HOUSE, MANKOMBUKARA, MOONNILAVU VILLAGE,  
MECHAL P.O., MEENACHIL TALUK, KOTTAYAM DISTRICT.
3. RAJI MATHEW, AGED 37 YEARS,  
S/O.MATHEW, MUTHUKATTU HOUSE, MANKOMBUKARA,  
MOONNILAVU VILLAGE, MECHAL P.O, MEENACHIL TALUK,  
KOTTAYAM DISTRICT.
4. BIJOMON P.C., AGED 26 YEARS,  
S/O.CHACKO, PUTHETTU HOUSE, MANKOMBUKARA,  
MOONNILAVU VILLAGE, MECHAL P.O, MEENACHIL TALUK,  
KOTTAYAM DISTRICT.

**BY ADV. SRI.P.C.HARIDAS**

**RESPONDENT(S) :**  
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1. STATE OF KERALA,  
REPRESENTED BY ITS CHIEF SECRETARY,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001.
2. DISTRICT COLLECTOR,  
KOTTAYAM- 686 001.
3. DIRECTOR OF MINING AND GEOLOGY,  
THIRUVANANTHAPURAM- 695 001.
4. GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,  
DISTRICT OFFICE, KOTTAYAM- 686 001.
5. ENVIRONMENTAL ENGINEER,  
KERALA STATE POLLUTION CONTROL BOARD,  
DISTRICT OFFICE, KOTTAYAM- 686 001.

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6. DIRECTOR,  
MINES SAFETY AUTHORITY, BANGALORE- 560 034.

7. MOONNILAVU GRAMA PANCHAYAT,  
MOONNILAVU P.O., KOTTAYAM DISTRICT- 686 586,  
REPRESENTED BY ITS SECRETARY.

8. M/S.PV.GRANITES,  
MOONNILAVU P.O., KOTTAYAM DISTRICT,  
REPRESENTED BY ITS MANAGING PARTNER, JOSHY JOSHVA,  
PV. GRANITES, MOONNILAVU P.O.- 686 586.

9. SCARIA SCARIA, AGED 66 YEARS,  
S/O.SCARIA, MANKOMBUKARA, MOONNILAVU P.O AND VILLAGE,  
MEENACHIL TALUK, KOTTAYAM DISTRICT, PARTNER,  
P.V.GRANITES, MOONNILAVU P.O- 686 586.

R1 TO R4 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

R5 BY ADV. SRI.M.AJAY, S.C

R6 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

ADV. SMT.C.G.PREETHA, CGC

ADV. SRI.T.V.VINU, CGC

R7 BY ADV.SRI.K.G.ANIL BABU

R8 & R9 BY ADVS. SRI.SHAJI THOMAS

SRI.BINU PAUL

SRI.GEORGE PULIKUTHIYIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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- P1(A) TO P1(D): TRUE COPIES OF THE DEEDS OF THE PETITIONERS.**
- P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT.**
- P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT.**
- P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 5TH RESPONDENT.**
- P5: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 6TH RESPONDENT.**
- P6: TRUE COPY OF THE ORDER DATED 20.06.2012 THE 6TH RESPONDENT.**
- P7: TRUE COPY OF THE LETTER OF THE 6TH RESPONDENT.**
- P8: TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY.**
- P9: TRUE COPY OF THE CONSENT TO OPERATE THE CRUSHER.**
- P10: TRUE COPY OF THE GO NO.152/2012 ENVIRONMENTAL DEPARTMENT DATED 29.10.2012.**
- P11: TRUE COPY OF THE MINING PERMIT DATED 05.08.2009.**
- P12: TRUE COPY OF THE MINING PERMIT 28.09.2011.**
- P13: TRUE COPY OF THE MINING PERMIT 25.03.2013.**
- P14: TRUE COPY OF THE LETTER DATED 02.02.2015 OF THE 4TH RESPONDENT.**
- P15: TRUE COPY OF THE ORDER DATED 29.08.2013 IN OA.NO.171/2013 OF THE GREEN TRIBUNAL.**
- P16: TRUE COPY OF THE JUDGMENT DATED 10.04.2015 IN W.P.(C).NO.9973/2015.**
- P17: TRUE COPY OF THE LAWYER NOTICE DATED 06.06.2015 ISSUED BY THE PETITIONERS.**
- P18: TRUE COPY OF THE NOTICE DATED 16.06.2015 OF THE 4TH RESPONDENT.**

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**P19: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER  
3 AND 4.**

**P20: TRUE COPY OF THE WRITTEN SUBMISSION MADE BY THE PETITIONERS.**

**P21: TRUE COPY OF THE ORDER DATED 17.06.2015 IN IA.NO.7872/2015 IN  
W.P.(C).NO.8531/2015 OF THIS HON'BLE COURT.**

**P22: TRUE COPY OF THE MINING PERMIT DATED 15.05.2015 ISSUED BY  
THE 4TH RESPONDENT TO THE 8TH RESPONDENT.**

**RESPONDENT(S)' EXHIBITS :**  
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**EXT.R8(A): NIL**

**EXT.R8(B): NIL**

**EXT.R8(C): TRUE PHOTOCOPY OF THE G.O.(P) NO.144/2015 DATED 05.10.2015.**

**EXT.R8(D): TRUE PHOTOCOPY OF THE JUDGMENT DATED 24.07.2014 IN  
W.P.(C).NO.4174 OF 2014.**

**//TRUE COPY//**

**PA.TO JUDGE.**

Msd.

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.20467 of 2015**

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**Dated this the 30<sup>th</sup> day of October, 2015**

**JUDGMENT**

This writ petition is filed challenging the quarrying operation carried out by respondents 8 and 9, alleging that they do not have environment clearance. This Court passed an interim order on 09-07-2015.

2. Respondents 8 and 9 would submit that they have all the requisite permit except environment clearance. It is further submitted that in the light of G.O.(P) No.144/2015/ID dated 05-10-2015, they do not require environment clearance.

In the light of the above facts and circumstances, following directions are issued:

The fourth respondent shall verify whether the petitioner's quarrying operation falls within G.O.(P) No.144/2015/ID dated 05-10-2015. It falls within the above Government Order and respondents 8 and 9 do possess all other requisite formalities, they shall be permitted to operate the quarry. The petitioner is at liberty to challenge the above Government Order and seek appropriate relief in appropriate manner.

With the above liberty, this writ petition is disposed of.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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