

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 20496 of 2015 (J)

PETITIONER:

**M/S.OTHAYI GRANITE (P) LTD.,
ALANGADAMALA, P.O. MALAPPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR.**

**BY ADVS.SRI.G.S.REGHUNATH
SRI.K.J.MOHAMMED ANZAR**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY
TO GOVERNMENT (REVENUE),
SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 2. THE DISTRICT COLLECTOR,
MALAPPURAM - 676 505.**
- 3. DIVISIONAL FOREST OFFICER,
NILAMBUR NORTH, MALAPPURAM - 676 329.**
- 4. VILLAGE OFFICER,
EDAVANA VILLAGE, MALAPPURAM DISTRICT - 676 541.**

**BY GOVERNMENT PLEADER SRI.BIJU MEENATTOR
BY SPECIAL GOVT. PLEADER SRI.M.P.MADHAVANKUTTY(FOREST)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1- TRUE COPY OF THE SALE DEED NO. 187 OF 2003 DATED 09/01/2003.
- EXHIBIT-P2- TRUE COPY OF THE SALE DEED NO. 190 OF 2003 DATED 09/01/2003.
- EXHIBIT-P3- TRUE COPY OF THE SALE DEED NO. 1942 OF 2004 DATED 26/03/2004.
- EXHIBIT-P4- TRUE COPY OF THE SALE DEED NO. 1943 OF 2004 DATED 26/03/2004.
- EXHIBIT-P5- TRUE COPY OF THE LEASE DEED DATED 29/12/2004 FOR 6 ACRES 50 CENTS IN SY. NO. 193/1, 193/2 AND 173 IN EDAVANA VILLAGE AND THE SKETCH APPENDED TO IT.
- EXHIBIT-P6- TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE STATE POLLUTION CONTROL BOARD DATED 26/11/2013.
- EXHIBIT-P7- TRUE COPY OF THE LICENCE DATED 15/04/2005 ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES.
- EXHIBIT-P8- TRUE COPY OF THE LICENCE ISSUED BY THE EDAVANNA GRAMA PANCHAYATH DATED 02/07/2014.
- EXHIBIT-P9- TRUE COPY OF THE NOTICE DATED 21/10/2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT-P10- TRUE COPY OF THE JUDGMENT IN W.P(C) 30016 OF 2014 DATED 12/11/2014.
- EXHIBIT-P11- TRUE COPY OF THE ORDER DATED 10/03/2015 OF THE 2ND RESPONDENT.
- EXHIBIT-P12- TRUE COPY OF THE STATUTORY APPEAL FILED BEFORE THE GOVERNMENT DATED 13/03/2015.
- EXHIBIT-P13- TRUE COPY OF THE JUDGMENT IN W.P(C) 9181 OF 2015 DATED 23/03/2015.
- EXHIBIT-P14- TRUE COPY OF THE PETITION FILED BEFORE THE GOVERNMENT IN EXHIBIT-P12 APPEAL DATED 13/03/2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.
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W.P.(C) No.20496 of 2015 - J
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Dated this the 29th day of July, 2015

J U D G M E N T

The petitioner seeks consideration of Ext.P12 appeal and P14 permission for continuing the quarrying operations. The appeal is said to have been heard already.

2. The learned Government Pleader submits that the land is a forest land and quarrying cannot be permitted. In any event, that is for the appellate authority to consider and pass orders. The appellate authority shall consider the issue and pass orders at any rate within a period of three months from the date of production of the certified copy of this judgment.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy /

P.A to Judge.