

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 20554 of 2015 (T)

PETITIONER :

**ABY DOMINIC, AGED 55 YEARS,
KRIPPAPARAMBIL CRUSHER WORKS,
MUNDAKKAYAM P.O., IDUKKI.**

BY ADV. SRI.MATHEW A KUZHALANADAN

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
(MINING & GEOLOGY DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001)**
- 2. THE DISTRICT GEOLOGIST, IDUKKI - 686 514.**
- 3. THE DIRECTOR
DIRECTORATE OF MINING & GEOLOGY, KESAVADASAPURAM
PATTOM PALACE P.O., TRIVANDRUM -695 004.**
- 4. THE DIRECTOR
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE
TRIVANDRUM - 695 004.**

BY GOVERNMENT PLEADER SRI. BIJU MEENATOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1(A): TRUE COPY OF THE LICENSE DT. 28.3.15 ISSUED TO THE PETITIONER.
- P1(B): TRUE COPY OF THE CONSENT DT. 19.6.15 ISSUED TO THE PETITIONER.
- P1(C): TRUE COPY OF THE EXPLOSIVE LICENSE ISSUED IN FAVOUR OF THE PETITIONER.
- P2: TRUE COPY OF THE QUARRYING LEASE DT. 16.5.11 EXECUTED BY THE PETITIONER.
- P3: TRUE COPY OF THE NOTICE DT. 09.1.15 ISSUED BY THE 3RD RESPONDENT.
- P4: TRUE COPY OF THE LETTER OF REQUEST DT. 05.2.15 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P5: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 20554 of 2015

Dated this the 07th day of October, 2015

JUDGMENT

The petitioner is having quarrying lease. He is having a total extent of quarrying area is more than 5.10 hectares. The petitioner had applied for quarrying lease. The application for environmental clearance is pending.

2. The learned counsel for the petitioner submits that the petitioner is having all other requisite permits. He also submits that the petitioner may be permitted to operate in quarry of two hectares, pending consideration of environmental clearance and thereafter, on obtaining environment clearance, the petitioner may be permitted to operate the entire extent of land.

2. The learned Government Pleader doubted that the quarry would fall within the ESA.

3. This Court is of the view that the 2nd respondent shall verify whether this quarrying area would fall within

ESA under the draft notification issued by the Environment Ministry. If it does not fall within the ESA area, the 2nd respondent shall permit the petitioner to quarry within two hectares. The petitioner shall file an affidavit to the effect before the 2nd respondent, the petitioner can undertake the quarrying beyond two hectares of only after obtaining environmental clearance. Necessary decision shall be taken by the 2nd respondent within two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE