

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 24707 of 2008 (N)

PETITIONER(S) :-

1. SRI.E.V.JOSEPH, ENCHIPARAMBIL HOUSE,
KODDALLOOR P.O., NOW RESIDING AT THEKKUMBHAGAM
TRIPUNITHURA.
2. SMT.ROSAKUTTY THOMAS,
ENCHIPARAMBIL HOUSE, KODDALLOOR P.O.

BY ADVS.SRI.JOHN K.GEORGE
SRI.P.K.VARGHESE

RESPONDENT(S) :-

1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS SECRETARY, TRIVANDRUM.
3. THE SENIOR ENVIRONMENTAL ENGINEER,
POLLUTION CONTROL BOARD, (P.C.B) KOTTAYAM.
4. KIDANGOOR GRAMA PANCHAYAT, REPRESENTED
BY ITS SECRETARY, KIDANGOOR P.O., KOTTAYAM DIST.
5. SRI.VINOD JAMES, VALLITHOTTATHIL,
PROPRIETOR, VIVEK INDUSTRIES, KODDALLOOR P.O.
KOTTAYAM DIST.
6. SRI.BINU ALEXANDER CHETHIYATH HOUSE,
KODDALLOOR P.O., KOTTAYAM.
7. SRI.REJI JAMES, VALLITHOTTATHIL HOUSE,
KODDALLOOR P.O., KOTTAYAM DIST.

R2 & R3 BY ADV. SRI.M.K.CHANDRA MOHANDAS, SC, POLL.C.BOAR
R5 BY ADV. SRI.MATHEW JOHN (K)
SRI.AJEESH K.SASI
R4 BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
R6 BY ADV. SRI.P.RAMAKRISHNAN
BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.24707 of 2008

Dated this the 12th day of August 2015

J U D G M E N T

Shaffique, J.

This writ petition is filed challenging the operation of quarry by respondents 5 to 7 inter alia contending that the quarry causes pollution to the neighbouring locality. It is submitted by the learned counsel appearing for respondents 5 to 7 that the quarry had been in operation for the last several years and that the wife of the first petitioner had filed another writ petition challenging the functioning of the quarry, which is pending consideration.

2. Having regard to the aforesaid factual situation, we do not think it necessary to consider this writ petition on merits as the cause of action, which has been narrated in the writ petition does not survive.

Accordingly, this writ petition is dismissed as infructuous.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**