

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 22410 of 2015 (S)

PETITIONER(S) :-

1. NEVIN GEORGE, AGED 28 YEARS
S/O.P.C.GEORGE, PANACHINANICKAL HOUSE, THEKKETHARA
PAZHAYANNUR P.O., THRISSUR DISRICT, PIN: 680 587.
2. ROOPAN GEORGE, AGED 33 YEARS
S/O.P.C.GEORGE, PANACHINANICKAL HOUSE, THEKKETHARA
PAZHAYANNUR P.O., THRISSUR DISRICT, PIN: 680 587
3. BIJU, AGED 41 YEARS, S/O.JOHN,
ATHIRAKULANGARA, PAZHAYANNOOR P.O., VELLAPPARA
THRISSUR DISTRICT.

BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA

RESPONDENT(S) :-

1. DISTRICT COLLECTOR
AYYANTHOE, THRISSUR, PIN: 680 003.
2. ADDITIONAL DISTRICT MAGISTRATE
THRISSUR, PIN: 680 003.
3. CHAIRMAN
TALUK LAND BOARD, THRISSUR, PIN: 680 003.
4. DEPUTY COLLECTOR
LAND REFORMS, THRISSUR, PIN: 680 003.
5. TAHSILDAR, TALAPPILLY TALUK
THRISSUR, PIN: 680 623.
6. DEPUTY TAHSILDAR
LAND REFORMS, TALAPPILLY TALUK, THRISSUR - 680 623.

7. VILLAGE OFFICER
PAZHAYANNUR, TALAPPILLY TALUK, THRISSUR - 680 587.
 8. SENIOR GEOLOGIST
DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY
THRISSUR, PIN: 680 003.
 9. SUPERINTENDANT OF POLICE
THRISSUR, PIN: 680 003.
 10. SUB INSPECTOR OF POLICE
PAZHAYANNUR POLICE STATION, THRISSUR, PIN: 680 587.
 11. PAZHAYANNUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PAZHAYANNUR P.O.
THRISSUR - 680 587.
 12. NILA METALS LTD,
REPRESENTED BY ITS PROPRIETOR, A.G.MADHAVAN, 513/49
STADIUM BYPASS ROAD, AKSHAYA FOUNDATION
NEAR TRINITY EYE CENTRE, PALAKKADU, PIN: 628 001.
- R11 BY ADV. SRI.P.N.MOHANAN
R12 BY ADV. SRI.N.JAMES KOSHY
BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

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APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1: TRUE COPY OF THE DECISION OF THIS HON'BLE COURT REPORTED
IN 2009(3) KHC 682.

EXT.P2: TRUE COPY OF QUARRYING PERMIT ISSUED UNDER THE KERALA
MINOR MINERAL CONCESSION RULES DATED 24/7/2013 TO THE 12TH
RESPONDENT.

EXT.P3: TRUE COPY OF THE PERMIT ISSUED BY THE 11TH RESPONDENT
PANCHAYATH DATED 22/7/2013.

EXT.P4: TRUE COPY OF THE LETTER OBTAINED UNDER THE RIGHT TO
INFORMATION ACT DATED 27/02/2015 ALONG WITH ITS TRUE ENGLISH
TRANSLATION.

EXT.P5: A TRUE COPY OF THE INFORMATION PROVIDED BY THE SECRETARY
OF 11TH RESPONDENT PANCHAYATH ON 8/1/2014 ALONG WITH ITS TRUE
ENGLISH TRANSLATION.

EXT.P6: TRUE COPY OF THE REPRESENTATION FILED BY PAZHAYANNUR
PRAKRITI SAMRAKSHANA SAMITHI BEFORE THE ADM DATED 28/1/2014,
THRISSUR ALONG WITH TRUE ENGLISH TRANSLATION.

EXT.P7: TRUE COPY OF THE REPORT DATED 21/2/2014 SENT BY THE
TAHSILDAR; TALAPPILLY TALUK TO THE DISTRICT COLLECTOR ALONG WITH
TRUE ENGLISH TRANSLATION.

EXT.P8: TRUE COPY OF THE REPRESENTATION FILED BY THE 1ST
PETITIONER BEFORE ADDITIONAL DISTRICT MAGISTRATE, THRISSUR DATED
11/3/2015 ALONG WITH TRUE ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

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Dated this the 10th day of August 2015

J U D G M E N T

Shaffique, J.

This public interest litigation has been filed seeking for a direction to respondents 1 to 11 to ensure that 12th respondent is not conducting any quarrying activity in the property covered by Exts.P2 and P3 without obtaining environmental clearance.

2. Learned counsel appearing for the 12th respondent submits that they do not have environmental clearance and accordingly, they informed the Geologist, Department of Mining and Geology that they have stopped the mining activity in the said site and they will restart the activity only after getting environmental clearance from the competent authority or after getting necessary permission from the Government or from this Court.

3. Now, that the 12th respondent had stopped the quarrying activity, we do not think that any further direction as sought for is required to be passed in this writ petition. The governmental authority shall ensure that no mining activity

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without obtaining necessary environmental clearance is being carried out by any person. The other questions raised by the petitioners are left open to be raised in appropriate proceedings.

This writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt