

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C) .No. 24184 of 2015 (W)

PETITIONER(S) :

1. T.P.RAMADASAN,
AGED 51 YEARS, S/O.KRISHNAN NAIR,
PUTHAN MADATHIL(H) ,
POOVATHICKAD(P.O.) , AREACODE,
MALAPPURAM DISTRICT-673 639.
2. N.K.SUDHAKARAN,
AGED 39 YEARS, S/O.VELAYUDHAN,
NEELANKUNNUMMAL(H) , POOVATHICKAD(P.O.) , AREACODE,
MALAPPURAM DISTRICT-673 639.
- 3 MUHAMMED SALI K.K.,
AGED 25 YEARS, S/O.ABDU RAHIMAN,
KARALIKKADEN(H) , POOVATHICKAD(P.O.) , AREACODE,
MALAPPURAM DISTRICT-673 639.

BY ADV. SRI.P.K.MUHAMMED.

RESPONDENT(S) :

1. JYOTHISH KUMAR M. ,
S/O.SANKARAN NAIR, SANKAR VILAS, POOVATHICKAD(P.O.) ,
AREACODE, MALAPPURAM DISTRICT-673 639.
2. THE URANGATTIRI GRAMA PANCHAYATH,
URANGATTIRI AREACODE,
MALAPPURAM DISTRICT-673 639,
REPRESENTED BY ITS SECRETARY.
3. THE SECRETARY,
URANGATTIRI GRAMA PANCHAYATH, URANGATTIRI,
AREACODE, MALAPPURAM DISTRICT-673 639.
4. THE DISTRICT COLLECTOR,
MALAPPURAM, COLLECTORATE,
MALAPPURAM, PIN-676 505.

5. SUPERINTENDENT OF POLICE,
MALAPPURAM DISTRICT, PIN-676 505.
6. REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT,
PIN-679 322.
7. THAHASILDAR,
ERANAD TALUK, MANJERI, MALAPPURAM DISTRICT,
PIN-676 121.
8. MINING AND GEOLOGY DEPARTMENT,
MANJRI,
MALAPPURAM DISTRICT, PIN-676 121.
9. ENVIRONMENT POLLUTION CONTROL BOARD,
MALAPPURAM-676 505.
10. VILLAGE OFFICER,
URANGATTIRI VILLAGE, ERANAD TALUK, PIN-673 639.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1: PHOTOGRAPHS SHOWING THE NATURAL WATERFALL FROM CHEKKUNNU MOUNTAIN.
- EXT.P2: TRUE PHOTOCOPY OF THE PUBLICATION ISSUED BY 2ND RESPONDENT
2012-2017.
- EXT.P3: TRUE PHOTOCOPY OF THE GRAMA SABHA DECISION TAKEN IN WARD NO.4 OF
URANGATTIRI GRAMA PANCHAYATH DCATED 24.06.2014.
- EXT.P4: TRUE PHOTOCOPY OF THE GRAMA SABHA DECISION TAKEN IN WARD NO.6 OF
URANGATTIRI GRAMA PANCHAYAT DATED 17.12.2014.
- EXT.P5: TRUE PHOTOCOPY OF THE COMPLAINT SUBMITTED BY THE CHEKKUNNU MALA
PROTECTION COMMITTEE REPRESENTED BY ITS CONVENER BEFORE THE HON'BLE
CHIEF MINISTER DATED 25.07.2013.
- EXT.P6: TRUE PHOTOCOPY OF THE ACKNOWLEDGEMENT FROM THE HON'BLE CHIEF
MINISTER OF KERALA FOR EXHIBIT P6.
- EXT.P7: TRUE PHOTOCOPY OF THE ACKNOWLEDGEMENT FROM THE SUPERINTENDENT OF
POLICE DATED 25.07.2013.
- EXT.P8: TRUE PHOTOCOPY OF THE ACKNOWLEDGEMENT FROM THE REVENUE DIVISIONAL
OFFICER, PERINTHALMANNA DATED 25.07.2013.
- EXT.P9: TRUE PHOTOCOPY OF THE ACKNOWLEDGEMENT FROM THE ENVIRONMENTAL
ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DATED 25.07.2013.
- EXT.P10: TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY PETITIONERS
BEFORE THE 2ND RESPONDENT DATED 30.06.2015.
- EXT.P11: TRUE PHOTOCOPY OF THE JUDGMENT DATED 10.3.2015 IN WP(C)NO.6715/2015
OF THIS HON'BLE HIGH COURT OF KERALA.
- EXT.P12: TRUE PHOTOCOPY OF THE JUDGMENT DATED 3.7.2015 IN WP(C)NO.20036/2015
OF THIS HON'BLE HIGH COURT OF KERALA.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24184 of 2015

Dated this the 10th day of August, 2015.

J U D G M E N T

The petitioner is aggrieved by the granting of D&O Licence by the respondent Panchayat for a crusher unit in the name of the 1st respondent.

2. The reliefs sought in this writ petition is for a direction not to grant licence/permit for starting stone crusher unit and quarry in and around the Chekkunnu Mala in Urangattiri grama panchayath area in Malappuram District, which is an Ecologically Fragile Land. The petitioner alleges that the 1st respondent being a panchayat member is illegally attempting to obtain a licence from the authorities to start a new stone crusher unit and a quarry in the Urangattiri panchayat area though he is not owning or possessing any land in the locality. Since the inhabitants of the area are poor agriculturists and hill tribal, they are

not in a position to resist the 1st respondent and his henchmen.

3. I have heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing counsel for the 9th respondent.

4. As the learned counsel for the petitioner has confined his argument for a direction to the 1st respondent to hear the petitioner also, before granting D&O Licence to the 1st respondent, this writ petition can be disposed of without issuing notice to the Panchayat and the respondents. Considering the reliefs sought for and the submissions made, this writ petition is disposed of directing the respondent Panchayat to hear the petitioner also before granting D&O Licence to the 1st respondent, if not already granted.

Sd/-

A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge