

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. 24481 of 2015 (S)

PETITIONER(S) :-

JAFFAR KHAN, AGED 51 YEARS, S/O.OUKKAR HAJI,
KARUVALLIYIL HOUSE, VENGOLA, PERUMBAVOOR,
ERNAKULAM.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY
SRI.NIXON PAUL
SRI.T.I.JOSHI
SRI.E.S.SANEEJ
SRI.M.P.UNNIKRISHNAN

RESPONDENT(S) :-

1. THE STATE OF KERALA,
REP. BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
TRIVANDRUM - 695 001.
3. THE DIRECTOR OF MINING AND GEOLOGY,
PATTOM, TRIVANDRUM - 695 001.
4. THE STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
KERALA, REP. BY ITS CHAIRMAN,
PALLIMUKKU, PETTA P.O., THIRUVANANTHAPURAM - 695 001.
5. DEPUTY CHIEF CONTROLLER OF EXPLOSIVES,
KENDRIYA BHAVAN, 3RD FLOOR,
KAKANADU P.O., ERNAKULAM - 682 037.
6. THE DISTRICT COLLECTOR,
CIVIL STATION, TRIVANDRUM - 695 001.

7. THE DISTRICT COLLECTOR,
CIVIL STATION, KOLLAM - 691 002.
8. THE DISTRICT COLLECTOR,
CIVIL STATION, PATHANAMTHITTA - 691 523.
9. THE DISTRICT COLLECTOR,
CIVIL STATION, ALAPPUZHA - 683 003.
10. THE DISTRICT COLLECTOR,
CIVIL STATION, KOTTAYAM - 686 002.
11. THE DISTRICT COLLECTOR,
CIVIL STATION, IDUKKI - 685 584.
12. THE DISTRICT COLLECTOR,
CIVIL STATION, ERNAKULAM - 682 030.
13. THE DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR - 680 020.
14. THE DISTRICT COLLECTOR,
CIVIL STATION, PALAKKAD - 678 014.
15. THE DISTRICT COLLECTOR,
CIVIL STATION, MALAPPURAM - 676 121.
16. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE - 673 020.
17. THE DISTRICT COLLECTOR,
CIVIL STATION, KANNUR - 670 002.
18. THE DISTRICT COLLECTOR,
CIVIL STATION, WAYANAD - 673 571.
19. THE DISTRICT COLLECTOR,
CIVIL STATION, KASARGODE - 671 123.
20. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, PATTOM PALACE P.O.,
TRIVANDRUM - 695 004.
21. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, KESAVANIKETHAN,
ASRAMAM, KOLLAM - 691 002.

22. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, REVENUE TOWERS,
ADOOR P.O., PATHANAMTHITTA - 691 523.0
23. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, KAITHAVANA,
SANATHANAPURAM, ALAPPUZHA - 683 003.
24. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, CIVIL STATION,
KOTTAYAM - 686 002.
25. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, MINI CIVIL STATION,
THODUPUZHA, IDUKKI - 685 584.
26. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, DISTRICT OFFICE,
CIVIL STATION, KAKANADU, ERNAKULAM - 682 030.
27. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, MINI CIVIL STATION,
CHEMPOOKAVU, THRISSUR - 680 020.
28. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, MUNICIPAL SHOPPING COMPLEX,
TB ROAD, PALAKKAD - 678 014.
29. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, MANJERI P.O.,
MALAPPURAM - 676 121.
30. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, CIVIL STATION,
C BLOCK, KOZHIKODE - 673 020.
31. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, CIVIL STATION,
KANNUR - 670 002.
32. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, MEENAGADI,
WAYANAD - 673 571.
33. THE GEOLOGIST, DISTRICT OFFICE,
MINING & GEOLOGY DEPARTMENT, CIVIL STATION,
VIDYANAGAR, KASARGODE - 671 123.

34. MR.T.M.JOY, THELAPPALLY HOUSE, PULIYANAM,
PARAKADAVU VILLAGE, ANGAMALY - 683 572.
35. PARAKKAL ROCK PRODUCTS, NORTH MAZHUVANNOOR P.O.,
KILIKULAM, PERUMBAVOOR - 686 669.
36. UG GRANITES, NORTH MAZHUVANNOOR P.O.,
KILIKULAM, PERUMBAVOOR - 686 669.
37. COCHIN GRANITES, VENGOLA P.O.,
ERNAKULAM, PERUMBAVOOR - 683 556.
38. SONA METAL CRUSHER, VALAYANCHIRANGARA P.O.
VALAYANCHIRANGARA, PERUMBAVOOR - 683 556.
39. MR.KURIAKOSE, VENGOLA P.O.,
PERUMANI, ERNAKULAM - 683 556.
40. MEGHA GRANITES, NORTH MAZHUVANNOOR P.O.,
CHEENIKUZHI, PERUMBAVOOR - 686 669.
41. VEJEESH GRANITES, NORTH MAZHUVANNOOR P.O.,
CHEENIKUZHI, PERUMBAVOOR - 686 669.
42. KADAYATH GRANITES, NORTH MAZHUVANNOOR P.O.,
CHEENIKUZHI, PERUMBAVOOR - 686 669.
43. HARSHAD GRANITES, NORTH MAZHUVANNOOR P.O.,
KILIKULAM, PERUMBAVOOR - 686 669.
44. SOORIYA ROCKS PRODUCTS, ANGAMALY,
KALADY, ERNAKULAM - 683 572.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C).NO.24481 OF 2015

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- THE TRUE PHOTOCOPY OF THE JUDGMENT DATED
15.7.15 IN WA 1514/15 OF THIS HONOURABLE COURT.

EXT.P2 :- THE TRUE PHOTOCOPY OF THE DETAILED COMPLAINT
BEFORE THE AUTHORITIES.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.24481 of 2015

Dated this the 12th day of August 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking for the following reliefs :-

- “i) To issue writ order or direction in the nature of mandamus or any other appropriate writ directing or commanding respondents 1 to 33 to stop the entire illegal quarrying activities done in the state of Kerala without valid permit or licence and without environmental clearance, immediately, in the interest of justice.
- ii) To issue writ order or direction in the nature of mandamus or any other appropriate writ directing or commanding respondents 1 to 33 to stop the entire illegal quarrying activities done in the state of Kerala, including that of respondents 34 to 44, which are functioning without valid permit or licence and without environmental clearance, within a time limit, in the interest of justice.
- iii) To issue writ order or direction in the nature of mandamus or any other appropriate writ directing or commanding respondents 1 to 5 or concerned among them to take up Ext.P2 petition and to stop the entire illegal quarrying activities done in the state of Kerala without valid permit or licence and without environmental clearance.”

The petitioner, claiming to be a public interest litigant, has approached this Court with this public interest litigation alleging that no action is being taken by the official respondents against illegal quarrying being carried on without obtaining environmental

-: 2 :-

clearance as is contemplated by the Kerala Minor Mineral Concession Rules, 2015. It is stated that this Court has clearly held in the judgment in **All Kerala River Protection Council v. State of Kerala** [2015 (2) KLT 78] that 'valid permit' in terms of Rule 12 indicates that environmental clearance is required.

2. Having regard to the fact that this Court has already declared the law in the matter, we do not think that any further direction is required to be passed as prayed for. It shall be open for the petitioner to bring to the notice of the concerned competent authorities regarding violation, if any, who shall look into the matter and do the needful.

This writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE