

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 25128 of 2015 (S)

PETITIONER :

**P.D.JOSEPH, S/O. DEVASSY,
PANENGADAN HOUSE, THRISSUR - 680 581,
(PRESIDENT, KONKANPARA PEOPLE'S PROTECTION FORUM,
THRISUR).**

BY SRI.P.D JOSEPH (PARTY -IN-PERSON)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTD BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. UNION OF INDIA,
REPRESENTED BY THE MINISTRY OF COMMERCE AND INDUSTRY,
PETROLEUM AND EXPLOSIVES, SAFETY ORGANIZATION (PESO),
NO. 140, RUKMINI LAXMIPATI ROAD, MARSHELLS ROAD,
EGMORE, CHENNAI- 600 008.**
- 4. THE JOINT CHIEF CONTROLLER OF EXPLOSIVES,
SOUTH CIRCLE, CHENNAI. PIN-600 008**
- 5. THE KERALA STATE POLLUTION CONTROL BOARD,
6TH FLOOR, SUN TOWER, EAST FORT P.O.,
THRISSUR. PIN-680 584**
- 6. THE DISTRICT COLLECTOR, COLLECTORATE,
THRISSUR-680 580**
- 7. THE SECRETARY,
MULANKUNNATHUKAVU GRAMA PANCHAYATH,
MULAMKUNNATHUKAVU P.O.,
THRISSUR DISTRICT. PIN-680 581**

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**8. THE MULANKUNNATHUKAVU GRAMA PANCHAYATH,
MULAMKUNNATHUKAVU P.O., THRISSUR DISTRICT,
REPRESENTED BY ITS SECRETARY. PIN-680 581**

**R1,R2 & R6 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R3 & R4 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R5 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 25128 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE LOCATION SKETCH ISSUED BY THE VILLAGE OFFICER, KILLANNOOR VILLAGE.

EXHIBIT-P2- TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER KILLANUR VILLAGE OFFICE ON 26/01/2015.

EXHIBIT-P3- TRUE COPY OF THE EXPLOSIVE LICENCE ISSUED BY THE 4TH RESPONDENT DATED 08/08/2014.

EXHIBIT-P4- TRUE COPY OF THE RECEIPT ISSUED BY THE 6TH RESPONDENT.

EXHIBIT-P5- TRUE COPY OF THE CONSENT VARIATION LETTER ISSUED BY THE 5TH RESPONDENT POLLUTION CONTROL BOARD.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ
&

A.M.SHAFFIQUE, J.

W.P.C.No.25128 of 2015

Dated this the 18th day of August 2015

J U D G M E N T

Shaffique, J

Petitioner challenges Ext.P3, an explosive licence granted by the 4th respondent. This writ petition is filed in the form of a public interest litigation. It is noticed that the petitioner's challenge is with reference to the quarrying permit being issued in Sy.No.1446/1 and 1446/3 of Killanur village in Mulankunnathukkavu.

2. First of all, Ext.P3 is an appealable order and remedy of the petitioner, if aggrieved, is to challenge the same by filing an appeal. As far as quarrying licence is concerned, even if it is issued by the Grama Panchayat, it is still an appealable order

Under such circumstances, we do not think that this writ petition can be entertained as a public interest litigation. Reserving the right of the petitioner to approach the appellate

authority or any other forum, as may be prescribed under the relevant statutes, this writ petition is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

