

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 33493 of 2007 (K)

PETITIONER(S):

- 1. JASIM'S HOLLOW BRICKS & STONE CRUSHER,
VALLAMTHODU, MANANTHAVADY REPRESENTED BY ITS
MANAGING PARTNER, SRI.KOMMUKUTTY, S/O.MODINKUTTY
HAJI, AGED 48 YEARS, RESIDING AT KANNAMANGALAM,
CHEROOR AMSOM AND DESOM, THIRURANGADI TALUK,
MALAPPURAM DISTRICT.**
- 2. SRI.NAZAR.A.P., S/O.IBRAHIM,
ALIKKA PEEDIKA, THACHAMPOYIL, KOZHIKODE.**
- 3. SRI.SULAIMAN, S/O.MOIDEENKUTTY,
KAYAKUNNUMEL, DEVARKOVIL, THOTTILPALAM
KOZHIKODE.**

**BY ADVS.SRI.ABRAHAM MATHEW (VETTOOR)
SMT.A.A.GEETHA**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, COLLECTORATE, WAYANAD.**
- 2. THE TAHASILDAR, MANANTHAVADY.**
- 3. THE VILLAGE OFFICER, THONDERNADU,
WAYANAD DISTRICT.**
- 4. THE GEOLOGIST, DEPARTMENT OF MINING
AND GEOLOGY, DISTRICT OFFICE, WAYANAD
MEENANGADI-673 591.**
- 5. THE THONDERNADU GRAMA PANCHAYAT,
THONDERNADU P.O., MANANTHAVADY REPRESENTED
BY ITS SECRETARY.**

**R1-4 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN
R5 BY ADV. SRI.K.G.ANIL BABU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE PANCHAYATH LICENSE FOR THE PERIOD 1-4-2007 TO 31-3-2008 ISSUED BY THE R5 DATED 24/4/2007
- P2: COPY OF THE CONSENT TO OPERATE THE STONE CRUSHER ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, WAYANAD DATED 6/2/2006
- P3: COPY OF THE LICENSE ISSUED BY THE R4 AS DL.NO.24/2006-2007/MM/GS/DOW/M-419/2007 DATED 28/3/2007
- P4: COPY OF THE QUARRYING PERMIT ISSUED BY THE R5 IN FAVOUR OF THE 2ND PETITIONER DATED 28/3/2007
- P5: COPY OF THE LICENSE ISSUED BY THE R4 IN FAVOUR OF THE 3RD PETITIONER DATED 28/3/2007
- P6: COPY OF THE UNDATED ORDER OF STAY ISSUED BY THE R3 TO THE 2ND PETITIONER DATED NIL.
- P7: COPY OF ORDER OF STAY ISSUED AGAINST THE CONDUCT OF THE QUARRY TO THE 3RD PETITIONER DATED NIL.
- P8: COPY OF THE MASS REPRESENTATION MADE BY 639 AFFECTED PEOPLE IN THE LOCALITY TO THE R1 DATED 9/7/2007
- P9: COPY OF THE ACKNOWLEDGMENT CARD ISSUED FROM THE OFFICE OF THE R1 DATED 9/7/2007
- P10: COPY OF THE SALE DEED NO.1442/2007 OF THE SRO VELLAMUNDA EXECUTED BY SRI.K.K.ABDUL LATHEEF IN FAVOUR OF THE 1ST PETITIONER DATED 27/7/2007
- P11: COPY OF THE SALE DEED NO.1803/2007 OF THE SRO VELLAMUNDA DATED 8/8/2007
- P12: COPY OF THE SALE DEED NO.1566/07 OF THE VELLAMUNDA SUB REGISTRY OFFICE DATED 8/8/07
- P13: COPY OF THE CONSENT ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DT.5/9/07
- P14: COPY OF THE REPRESENTATION MADE BY THE 1ST PETITIONER WITH THE ENDORSEMENT OF THE R2 TO THE R1 DATED 23/7/07
- P15: COPY OF THE REPORT NO.A6-10410/2007 SUBMITTED BY THE R2 ALONG WITH THE STATEMENT GIVEN BY SRIKOMMKUTTY TO THE R1 DATED 17/8/07
- P16: COPY OF THE ANOTHER REPORT NO.A6 8477/2007 SUBMITTED BY THE R2 TO THE R1 DATED 25/7/2007

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**P17: COPY OF THE ORDER NO.AL2-19098/2007 ISSUED BY R1 TO THE 1ST
PETITIONER DATED 2/8/07**

**P18: COPY OF THE REPLY ISSUED BY THE R4 TO THE 2ND PETITIONER DATED
2/11/07**

P19: COPY REPLY ISSUED BY THE R4 TO THE 3RD PETITIONER DATED 2/11/07

P20: COPY OF THE ORDER OF STAY PASSED IN WPC.29409/07 DATED 18/10/07.

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. Vinod Chandran, J

W.P.(C).No.33493 of 2007-K

Dated this the 02nd day of June, 2015

JUDGMENT

The petitioners approached this Court against the order of the District Collector, stopping the operation in the quarry, for which, the petitioners contended, had a valid licence.

2. In view of the new Rules introduced as “The Kerala Minor Mineral Concession Rules, 2015”, enforced from February, 2015, the petitioners definitely would have to obtain permission under the same. None appears for the petitioners.

The writ petition would stand dismissed, leaving open all contentions. Parties are left to suffer their respective costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]