

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 28923 of 2014 (M)

PETITIONER:

PENTA GRANITES, A FIRM REP. BY
ITS MANAGING PARTNER P.J.JOSHY,
NEETHIPURAM, ELAVAMPADAM P.O.
KIZHAKKENCHERY VIA., PALAKKAD-678 709.

BY ADVS.SRI.P.K.SURESH KUMAR (SR.)
SRI.K.P.SUDHEER

RESPONDENTS:

1. KIZHAKKENCHERI GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, KIZHAKKENCHERI P.O.,
PALAKKAD DISTRICT, PIN - 678 684.
2. DEPUTY DIRECTOR OF PANCHAYATS,
PALAKKAD - 678 001.

R2 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 28923 of 2014 (M)

PETITIONER'S EXHIBITS:

EXHIBIT P1. TRUE COPY OF NO OBJECTION CERTIFICATE DATED 10.10.2014 ISSUED BY GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY IN FAVOUR OF THE PETITIONER.

EXHIBIT P2. TRUE COPY OF 'CONSENT TO OPERATE (RENEWAL)' DATED 04.10.2014 ISSUED BY KERALA STATE POLLUTION CONTROL BOARD IN FAVOUR OF THE PETITIONER.

EXHIBIT P3. TRUE COPY OF LICENCE ISSUED BY DEPUTY CHIEF CONTROLLER OF EXPLOSIVES IN FAVOUR OF THE PETITIONER ALONG WITH COVERING LETTER DATED 02.04.2012.

EXHIBIT P4. TRUE COPY OF QUARRYING PERMIT DATED 26.02.2014 ISSUED BY GEOLOGIST.

EXHIBIT P5. TRUE COPY OF LICENCE NO.A5/87/13 DATED 15.04.2013 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER'S QUARRY.

EXHIBIT P6. TRUE COPY OF LICENCE NO.A5/63/13 DATED 04.04.2013 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER'S CRUSHER UNIT.

EXHIBIT P7. TRUE COPIES OF RECEIPTS (4NOS.) DATED 28.02.2014 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P8. TRUE COPY OF ORDER NO.E5-11995/14 DATED 29.08.2014 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P9. TRUE COPY OF LETTER DATED 23.10.2014 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.28923 of 2014 M

Dated this the 4th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the second respondent, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, who has been running a quarry and a crusher unit within the limits of the first respondent Grama Panchayat, having all the requisite permits and licences, sought renewal of Exhibits P5 and P6 licences. In fact, the second respondent issued Exhibit P8 proceedings directing the first respondent Grama Panchayat to renew the licences after verifying the records. Though a specific time frame was fixed in Exhibit P8, i.e. fifteen days, complaining that to this day the Grama Panchayat has not

passed any orders, the petitioner has approached this Court.

3. Despite service of notice, the first respondent Grama Panchayat does not choose to appear before this Court. The learned Government Pleader for the second respondent has submitted that it is for the first respondent Grama Panchayat to implement Exhibit P8 proceedings issued by a competent authority.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court disposes of the writ petition with a direction to the first respondent Grama Panchayat to consider the issue of renewing the licences of the petitioner in terms of Exhibit P8 proceedings as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv