

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 30610 of 2014 (A)

PETITIONER:

SANTHIBHOOSHAN M.S.,
S/O.SUKUMARAN, MANGATTUNJALIL HOUSE, PULLU P.O.,
THRISSUR 680 641

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY SECRETARY LOCAL ADMINISTRATION,
SECRETARIAT, THIRUVANANTHAPURAM, PALAYAM P.O.,
PIN 695 001.
2. THEKKUMKARA GRAMA PANCHAYATH,
PUNNAMPARAMBU, PUNNAMPARAMBU P.O., THRISSUR 680 606,
REPRESENTED BY ITS SECRETARY
3. SECRETARY,
THEKKUMKARA GRAMA PANCHAYATH, PUNNAMPARAMBU,,
PUNNAMPARAMBU P.O., THRISSUR 680 608
4. PANCHAYATH COMMITTEE,
THEKKUMKARA GRAMA PANCHAYATH, PUNNAMPARAMBU,
PUNNAMPARAMBU PO, THRISSUR 680 608

R2-R3,R4 BY ADV. SRI.P.SANTHOSH (PODUVAL)

R2-R3,R4 BY ADV. SMT.R.RAJITHA

R BY SRI. JUSTIN JACOB, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 COPY OF THE QUARRYING PERMIT ISSUED BY THE GEOLOGIST DATED 12/2/2013.

EXHIBIT P2 COPY OF THE QUARRYING PERMIT ISSUED BY THE GEOLOGIST DATED 14/3/2014.

EXHIBIT P3 COPY OF THE EXPLOSIVE LICENCE ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES DATED 19/2/2013.

EXHIBIT P4 COPY OF THE SITE PLAN APPROVED BY THE CONTROLLER OF EXPLOSIVES SHOWING THE MAGAZINE AND THE QUARRY DATED 31/12/2012.

EXHIBIT P5 COPY OF THE CONSENT TO OPERATE CERTIFICATE ISSUED FROM THE KERALA POLLUTION CONTROL BOARD DATED 23/2/2013.

EXHIBIT P6 COPY OF THE CONSENT VARIATION ORDER ISSUED FROM THE KERALA POLLUTION CONTROL BOARD DATED 10/9/2014.

EXHIBIT P7 COPY OF THE RESOLUTION TAKEN BY THE 4TH RESPONDENT DATED 14/3/2013.

EXHIBIT P8 COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT IN WPC NO.9165/2013 DATED 10/4/2013.

EXHIBIT P9 COPY OF THE REPORT SUBMITTED BY THE DISTRICT MEDICAL OFFICER TO THE 3RD RESPONDENT DATED 24/7/2013.

EXHIBIT P10 COPY OF THE RESOLUTION PASSED BY THE 4TH RESPONDENT DATED 25/7/2013.

EXHIBIT P11 COPY OF THE RESOLUTION PASSED BY THE 4TH RESPONDENT DATED 24/10/2013.

EXHIBIT P 12 COPY OF THE ORDER IN APPEAL NO.10982/2013 PASSED BY THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM DATED 20/8/2014.

EXHIBIT P13 COPY OF THE NO-OBJECTION CERTIFICATE ISSUED FROM THE FIRE AND RESCUE DEPARTMENT DATED 3/7/2012.

EXHIBIT P14 COPY OF THE CERTIFICATE OF COMPETENCY ISSUED BY THE CHIEF CONTROLLER OF EXPLOSIVES DATED 29/3/2012.

EXHIBIT P14(a) LEGIBLE COPY OF EXHIBIT P14.

EXHIBIT P15 COPY OF THE LETTER SENT BY THE 3RD RESPONDENT TO THE PETITIONER DATED 20/10/2014.

EXHIBIT P16 COPY OF THE DECISION TAKEN BY THE 4TH RESPONDENT PANCHAYATH COMMITTEE DATED 20/9/2014.

EXHIBIT P17 COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 11/11/2014.

RESPONDENTS' EXHIBITS: NIL

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 30610 of 2014 (A)

Dated this the 5th day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, apart from perusing the record.

2. Briefly stated, based on Exts.P1 and P2 quarrying permits from the Department of Mining and Geology, Ext.P3 licence from the Explosive Department, Exts.P5 and P6 consent to operate certificates from the Kerala State Pollution Control Board, apart from Ext.P13 no-objection certificate from the Fire and Rescue Department, as well as Ext.P14 certificate of competency to carry out the blasting operations, the petitioner filed an application before the 2nd respondent for the necessary D & O licence, which stood rejected through Ext.P7 proceedings.

3. Aggrieved, the petitioner filed a statutory appeal before the learned Tribunal for Local Self Government Institutions and invited Ext.P12 order, whereby the learned Tribunal has directed the respondent Grama Panchayath to re-consider the petitioner's

application. Eventually, complaining of non-compliance with the direction given in Ext.P12 order by the learned Tribunal, the petitioner has filed the present writ petition.

4. The learned counsel for the respondent Grama Panchayath has submitted that the respondent Grama Panchayath is willing to re-consider the petitioner's application in the light of Ext.P12 order.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the respondent Grama Panchayth to consider the petitioner's application in the light of Ext.P12 order of the Tribunal, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

