

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 30584 of 2015 (W)

PETITIONER(S) :

- 1. P.J.BABU
S/O.JOSEPH, PLAPARAMBIL HOUSE,
MALAYALAPUZHA ERAM P.O.,
VADASSERIKKARA, RANNY,
PATHANAMTHITTA DISTRICT**
- 2. GEORGEKUTTY,
S/O.MATHAI, MANNILPEEDIKAYIL HOUSE,
MALAYALAPUZHA ERAM P.O.
VADASSERIKKARA, RANNY,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. DISTRICT COLLECTOR
PATHANAMTHITTA - 689 645.**
- 3. THE SENIOR GEOLOGIST
MINING AND GEOLOGY, MINI CIVIL STATION, ARANMULA
PATHANAMTHITTA - 689 547.**
- 4. VADASSERIKKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
VADASSERIKKARA GRAMA PANCHAYATH,
VADASSERIKKARA - 689 662.**
- 5. VILLAGE OFFICER
VADASSERIKAKARA- 689 662.**
- 6. SABU KURIAKOSE
KAVUMKAL GRANITES,
VADASSERIKKARA - 689 662.**

R1 TO R3 & R5 BY GOVT.PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1- TRUE COPY OF THE INFORMATION PROVIDED BY THE 3RD RESPONDENT.
- EXT. P2- TRUE COPY OF THE JUDGMENT IN WP(C) NO.30143/2014 DATED 13.11.2014.
- EXT. P3- TRUE COPY OF THE ORDER DATED 20.5.2015 OF THE 2ND RESPONDENT.
- EXT. P4- TRUE COPY OF THE NOTICE DATED 8.6.2015 OF THE 3RD RESPONDENT.
- EXT. P5- TRUE COPY OF THE MINUTES OF THE HEARING CONDUCTED ON 15.6.2015.
- EXT. P6- TRUE COPY OF THE COMPLAINT DATED 29.6.2015 WITH RECEIPT.
- EXT. P7- TRUE COPY OF THE PETITION WITH RECEIPT DATED 11.9.2015.
- EXT. P8- TRUE COPY OF THE APPLICATION DATED 22.9.2015 WITH RECEIPT.

RESPONDENT(S)' EXHIBITS :

- EXT. R6(a) COPY OF THE VALID QUARRYING PERMIT DTD. 27/4/2015 ISSUED BY THE 3RD RESPONDENT.
- EXT. R6(b) COPY OF THE POLLUTION CONSENT WHICH IS VALUED UP TO 2018, ISSUED TO THE RESPONDENTS UNIT.
- EXT. R6(c) COPY OF THE LICENCES ISSUED TO THE RESPONDENT'S UNIT.
- EXT. R6(d) COPY OF THE LICENSES DTD. 14/2/13 FROM PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION.
- EXT. R6(e) COPY OF THE LICENSE DTD. 27/2/2015 FROM DEPARTMENT OF FACTORIES AND BOILERS.
- EXT. R6(f) COPY OF THE NOTIFICATION DATED 5.10.2015 PUBLISHED IN KERALA GAZETTE.

//TRUE COPY//

P.A. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 30584 of 2015

Dated this the 30th day of October, 2015

JUDGMENT

The writ petition is filed, challenging the issuance of quarrying permit without Environmental Clearance.

2. The learned counsel for the 6th respondent submits that, in the light of Government Order No.144/2015, the 6th respondent is entitled to operate the quarry.

3. This Court is of the view that the 3rd respondent shall verify whether the 6th respondent is entitled to operate quarry in the light of Government order. If that be so, the 6th respondent shall be permitted to quarry operation, if 6th respondent possess all other requisite formalities. The interim order is modified as above.

4. If the licence is expired, it is open for the 3rd respondent to renew it in accordance with the new

Government Order.

In the light of the above, the writ petition is disposed with a liberty to the writ petitioner to challenge the G.O.(P).No.144/2015//ID dated 05/10/2015 and seeking appropriate relief. It is made clear that while renewing the permit, the Geologist shall hear the petitioner as well.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr