

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31582 of 2015 (S)

PETITIONERS :

1. NEVIN GEORGE AGED 28 YEARS
S/O.P.C.GEORGE, PANACHINANICKAL HOUSE, THEKKETHARA
PAHZYANNUR P.O., THRISSUR DISTRICT, PIN-680 587.
2. ROOPAN GEROGE, AGED 33 YEARS
S/O.P.C.GEORGE, PANACHINANICKAL HOUSE, THEKKETHARA
PAZHAYANNUR P.O., THRISSUR DISTRICT, PIN-680 587.
3. BIJI AGED 41 YEARS
S/O.JOHN, ATHIRAKULANGARA, PAZHAYANNOOR P.O.
VELLAPPARA, THRISSUR DISTRICT.

BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA
SMT.SURYA BINOY

RESPONDENTS :

1. DISTRICT COLLECTOR
AYYANTHOLE, THRISSUR, PIN-680 003.
2. THE ADDITIONAL DISTRICT MAGISTRATE, THRISSUR-680 003.
3. THE SECRETARY
DISTRICT LAND BOARD, THRISSUR-680 003.
4. THE DEPUTY COLLECTOR
LAND REFORMS, THRISSUR-680 003.
5. THE TAHSILDAR
TALAPPILLY TALUK, THRISSUR-680 623.
6. THE DEPUTY TAHSILDAR
LAND REFORMS, TALAPPILLY TALUK, THRISSUR-680 623.

7. THE VILLAGE OFFICER
PAZHAYANNUR, TALAPPILLY TALUK, THRISSUR-680 587.
8. SENIOR GEOLOGIST
DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY
THRISSUR, PIN-680 003.
9. THE SUPERINTENDENT OF POLICE, THRISSUR-680 003.
10. THE SUB INSPECTOR OF POLICE
PAZHAYANNUR POLICE STATION, THRISSUR-680 587.
11. PAZHAYANNUR GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, PAZHAYANNUR P.O.
THRISSUR-680 587.
12. NILA METALS LTD
REPRESENTED BY ITS PROPRIETOR A.G.MADHAVAN, 513/49
STADIUM BYPASS ROAD, AKSHAYA FOUNDATION
NEAR TRINITY EYE CENTER, PALAKKAD, PIN-682 001.

R1 TO R10 BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1. TRUE COPY OF THE JUDGMENT IN WPC N O.22410/20015
DATED 10/8/2015.
- EXT.P2. TRUE COPY OF THE MINERAL TRANSIT PASS DATED 24/10/2015.
- EXT.P2(A). TRUE COPY OF THE INVOICE DATED 01/10/2015 ISSUED BY THE
12TH RESPONDENT.
- EXT.P2(B). TRUE COPY OF THE INVOICE DATED 12/10/2015 ISSUED BY THE
12TH RESPONDENT.
- EXT.P3. TRUE COPY OF THE DECISION OF THIS HONOURABLE COURT REPORTED
IN 2009 (3) KHC 682.
- EXT.P4. TRUE COPY OF THE QUARRYING PERMIT ISSUED UNDER THE KERALA MINOR
MINERAL CONCESSION RULES DATED 24/7/2013 TO THE 12TH
RESPONDENT.
- EXT.P5. TRUE COPY OF THE PERMIT ISSUED BY THE 1TH RESPONDENT PANCHAYATH
DATED 22/7/2013.
- EXT.P6. TRUE COPY OF THE LETTER OBTAINED UNDER THE RI ACT DATED
27/2/2015 ALONG WITH ITS TRUE ENGLISH TRANSLATION.
- EXT.P7. TRUE COPY OF THE INFORMATION PROVIDED BY THE SECRETARY OF 11TH
RESPONDENT PANCHAYATH ON 8/1/2014 ALONG WITH ITS TRUE ENGLISH
TRANSLATION.
- EXT.P8. TRUE COPY OF THE REPRESENTATION FILED BY THE PAZHAYANNUR
PRAKRITI SAMRAKSHANA SAMITHI BEFORE THE ADM DATED 28/1/2014
THRISUR ALONG WITH TRUE ENGLISH TRANSLATION.
- EXT.P9. TRUE COPY OF THE REPORT DATED 21/2/2014 SENT BY THE TAHSILDAR,
TALAPPILLY TALUK TO THE DISTRICT COLLECTOR ALONG WITH TRUE
ENGLISH TRANSLATION.
- EXT.P10. TRUE COPY OF THE REPRESENTATION FILED BY THE 1ST PETITIONER
BEFORE THE ADDL. DISTRICT MAGISTRATE, THRISSUR DATED 11/3/2015
ALONG WITH TRUE ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 31582 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

Shaffique, J

Petitioners have filed this public interest litigation inter alia contending that the Respondent No.12 is conducting quarrying operations without obtaining environmental clearance from the competent authority. In fact an earlier writ petition was filed by the writ petitioner as W.P(C) No.22410 of 2015 seeking the very same relief. The said case was disposed of by judgment dated 10.8.2015, when it was informed respondent No.12 had stopped the quarrying activity.

2. We have already indicated in the said judgment that no mining activity could be conducted without obtaining necessary environmental clearance. The further questions raised by the petitioners were left open to be raised in appropriate proceedings.

3. Learned Government Pleader who appears on behalf of

respondents 1 to 10 submits that though petitioners had contended that quarrying activity is being continued by the respondent No.12 without environmental clearance, the petitioners have not ventilated their grievance before any of the authorities.

4. Apparently if there is any such illegality being committed as alleged by the petitioner, the petitioner will have to approach the District Collector, who shall look into the matter and do the needful.

With the above observation, the writ petition is closed.

ASHOK BHUSHAN
CHIEF JUSTICE

A.M.SHAFFIQUE,
JUDGE

SOU.

// True Copy //

P.A. To Judge