

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 31964 of 2014 (U)

PETITIONER :

**A.K.VIJAYAN, AGED 61 YEARS,
S/O.LATE KUNJAN, AMBATTU HOUSE, BYSON VALLEY P.O.
IDUKKI DISTRICT-685565.**

BY ADV. SRI.T.RAJESH

RESPONDENTS :

- 1. GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE IDUKKI, 685553.**
- 2. DIRECTOR OF MINING AND GEOLOGY
DEPARTMENT OF MINING AND GEOLOGY
THIRUVANANTHAPURAM-695004.**
- 3. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, GOVERNMENT SECRETARIAT,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM-695001.**

BY SENIOR GOVERNMENT PLEADER SRI. T.P. SAJID FOR AAG

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-09-2015, ALONG WITH WPC. 5183/2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: A TRUE COPY OF THE REFERRED QUARRYING PERMIT DATED 7/10/2013.
- EXHIBIT-P2: A TRUE COPY OF THE PANCHAYATH LICENSES ISSUED.
- EXHIBIT-P3: THE TRUE COPY OF THE CONSENT ISSUED BY POLLUTION CONTROL BOARD.
- EXHIBIT-P4: A TRUE COPY OF THE ABOVE REFERRED INTERIM DIRECTION DATED 05.08.2013 ISSUED BY THE NATIONAL GREEN TRIBUNAL IN O.A.171/2013.
- EXHIBIT-P5: A TRUE COPY OF THE ABOVE-REFERRED ORDER DATED 08.07.2014.
- EXHIBIT-P6: A TRUE COPY OF THE ABOVE REFERRED INTERIM ORDER PASSED BY THIS HON'BLE COURT IN W.P.(C) NO.19430/2014.
- EXHIBIT-P7: A TRUE COPY OF THE ABOVE REFERRED DRAFT NOTIFICATION ISSUED BY THE UNION OF INDIA ON 10.3.2014.
- EXHIBIT-P8: A TRUE COPY OF THE JUDGMENT DATED 18/9/2014 IN W.P.(C) NO.24180/2014 PASSED BY THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

**W.P.(C)Nos.31964 of 2014 &
5183 of 2015**

Dated this the 8th day of September, 2015.

J U D G M E N T

The writ petitioner in W.P.(C)No.31964/14 is a quarry operator. W.P.(C)No.5183/15 is filed by the persons who are opposing the quarrying operations.

2. Admittedly, the quarrying permit is expired. In the above writ petitions, on 20.2.2015, this Court directed as follows :

"There is no representation for the petitioner in WP(C) No.31964 of 2014 (who is the 7th respondent in WP(C) No.5183 of 2015). The interim order passed by this Court in WP(C)No.31964 of 2014, which was extended by two months on 11.12.2014, stands expired. It is also brought to the notice of this Court that, the permit/sanction/consent to operate the quarrying unit stands expired. As such, it is made clear that no interim order does survive as on date, in favour of the petitioner in WP(C) No.31964 of 2014.

In the said circumstances, no quarrying operation shall be pursued until further orders. It is also made clear that, no renewal of the permit or consent shall be effected by any of the respondents without getting appropriate orders from this Court.

List the matter for further consideration next week."

3. Thus it is clear from the above order that, without obtaining Environmental clearance, no quarry operation can be done in this matter. In that view of the matter, if the petitioner approaches the competent authority for necessary permission for operating the quarry, the authority shall consider the application in accordance with law. However, before granting the environmental clearance, the persons in W.P.(C)No.5183 of 2015 shall also be considered. In the light of the above direction, the interim order of this Court dated 20.2.2015 has been vacated.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge