

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 31970 of 2014 (U)

PETITIONER(S):

1. JACOB, S/O VARGHESE,
THOMMAMKUDIYIL (H), MALAYIDOMTHURUTHU KARA,
KIZHAKKAMBALAM VILLAGE, KUNNATHUNADU TALUK.
2. SUSAN, W/O JACOB,
THOMMAMKUDIYIL (H), MALAYIDOMTHURUTHU KARA,
KIZHAKKAMBALAM VILLAGE, KUNNATHUNADU TALUK.

BY ADVS.SRI.K.A.RASHEED
SRI.D.M.NOWFAL

RESPONDENT(S):

1. KIZHAKKAMBALAM GRAMA PANCHAYAT,
REP. BY ITS SECRETARY, KIZHAKKAMBALAM, PIN-683 562
2. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, PIN-686 661
3. THE CHIEF CONTROLLER OF EXPLOSIVE,
CHENNAI, PIN-600 001
4. THE SENIOR ENVIRONMENTAL ENGINEER,
POLLUTION CONTROL BOARD, ERNAKULAM, PIN-682 016
5. ASSISTANT EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT, ALUVA, PIN-682 301
6. THE GEOLOGIST, ERNAKULAM.
7. THE DISTRICT COLLECTOR,
ERNAKULAM, PIN-682 030
8. THE SUB INSPECTOR OF POLICE,
THADIYITAPARAMBU POLICE STATION,
MALAYIDOMTHURUTHU, PIN-683 561
9. THE CIRCLE INSPECTOR OF POLICE,
KUNNATHUNADU, PIN-683 561

WP(C).NO.31970/2014

10. G.K. GRANITES,
OORAKKAD, OORAKKAD KARA,
KIZHAKKAMBALAM VILLAGE,
KUNNATHUNADU TALUK, PIN-683 562.

R1 BY ADV. SRI.P.SATHISAN
R2,R5 TO R9 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R4 BY ADV. SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
R10 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1(A) TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 1ST
RESPONDENT DATED 18-08-2014

EXHIBIT P1(B) TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 2ND
RESPONDENT DATED 18-08-2014

EXHIBIT P1(C) TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 3RD
RESPONDENT DATED 18-08-2014

EXHIBIT P1(D) TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 4TH
RESPONDENT DATED 18-08-2014

EXHIBIT P1(E) TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 5TH
RESPONDENT DATED 18-08-2014

EXHIBIT P1(F) TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 6TH
RESPONDENT DATED 18-08-2014

EXHIBIT P1(G) TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 7TH
RESPONDENT DATED 18-08-2014

EXHIBIT P2 TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 8TH
RESPONDENT DATED 05-09-2014

EXHIBIT P3 TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 1ST
RESPONDENT

EXHIBIT P4 TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 8TH
RESPONDENT DATED 24-09-2014

EXHIBIT P5 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 9TH
RESPONDENT DATED 01-10-2014

EXHIBIT P6 TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 1ST
RESPONDENT DATED 06-11-2014

EXHIBIT P7 TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 8TH
RESPONDENT DATED 06-11-2014

RESPONDENT(S)' EXHIBITS

EXHIBIT R10(A) TRUE COPY OF THE ORDER DATED 17/07/2014 IN IA.NO.1161/14 IN
OS.NO.162/14 ON THE FILE OF THE MUNSIF'S COURT,
PERUMBAVOOR.

EXHIBIT R10(B) TRUE COPY OF THE JUDGMENT DATED 25/10/2014 IN
O.S.NO.162/2014 OF THE MUNSIF'S COURT, PERUMBAVOOR.

/TRUE COPY/

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P.A.TO.JUDGE

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 31970 of 2014

Dated this the 04th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents, the learned Assistant Solicitor General of India, as well as the learned Government Pleader for the respondents, 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 petitioners, being wife and husband, have a grievance that the quarrying operations carried on by the tenth respondent are causing danger to their property, which is adjacent to the site of quarrying operations. In that respect, they are said to have submitted various complaints before various authorities, including the first respondent Grama Panchayat through Exhibit P1(a).

Complaining of in-action on the part of the first respondent, the petitioners filed the present writ petition.

3. Having entered appearance, the tenth respondent, through its learned counsel, has raised various objections, as have been reflected in the counter affidavit filed by it. At any rate, since I do not propose to adjudicate the issue on merits, I am not referring to any of the contentions. Suffice it to say that the respondent Grama Panchayat shall consider petitioners' Exhibit P1(a) representation in accordance with law.

4. At this juncture, the learned counsel for the petitioners has brought to my notice that not only the first respondent, but also all other statutory authorities have to consider the objections raised by the petitioners. It is not in dispute that it is the Grama Panchayat which eventually issues the D&O licence for any quarrying operations. In the process of its disposing Exhibit P1(a) representation, the respondent Grama Panchayat is at liberty to consult any other statutory authorities, such as Kerala State Pollution Control Board, concerning the objections raised by the petitioners, if such consultation is called for.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Standing Counsel for the respondents, as well as the learned Government Pleader, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the first respondent Grama Panchayat to consider Exhibit P1(a) representation submitted by the petitioners, after affording an opportunity of hearing not only to the petitioners, but also the tenth respondent, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-