

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 32456 of 2015 (F)

PETITIONER(S):

**AJI V.C., AGED 37 YEARS,
S/O.CHATHAN, RESIDING AT VARIKKADAN HOUSE,
KOMBANAD P.O, KOMBANAD, PERUMBAVOOR,
ERNAKULAM DISTRICT. 683 545.**

BY ADV. SRI.S.M.ALTHAF

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM 682 030.**
- 3. REVENUE DIVISIONAL OFFICE,
MUVATTUPUZHA 683 642.**
- 4. THE TAHSILDAR,
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT. 683540.**
- 5. THE DIRECTOR,
DEPARTMENT OF MINING AND GEOLOGY, KESHAVADASAPURAM,
PATTAM 695 004.**
- 6. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,
ERNAKULAM 682 030.**
- 7. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE II, GANDHI NAGAR, ERNAKULAM 692 020.**
- 8. DEPUTY CONTROLLER OF EXPLOSIVES,
KAKKANAD, ERNAKULAM 682 030.**

PJ

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9. DEPUTY POLICE SUPERINTENDENT,
SPECIAL BRANCH (C.I.D) MUVATTUPUZHA
ERNAKULAM 682 540.

10. INSPECTOR OF POLICE,
KURUPPUMPADY POLICE STATION,
ERNAKULAM DISTRICT. 683 544.

11. VENGOOR GRAMA PANCHAYATH,
VENGOOR P.O, PERUMBAVOOR,
REPRESENTED BY ITS SECRETARY- 683 545.

12. N.A.THOMAS,
NJATTUNKALAYIL HOUSE, KADAYIRIPPU P.O,
ERNAKULAM 682 311.

R1-6,9-10 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R7 BY SRI. M.AJAY, SC
R8 BY ADVS.SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
SMT.C.G.PREETHA, CGC
R12 BY ADVS. SRI.SHAJI THOMAS
SRI.BINU PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE PETITION FILED BEFORE THE DISTRICT COLLECTOR, ERNAKULAM ON 25.6.07.**
- EXHIBIT P2. COPY OF THE COMMUNICATION RECEIVED BY THE 1ST PETITIONER FROM THE OFFICE OF THE KERALA LEGESLATIVE ASSEMBLY.**
- EXHIBIT P3. COPY OF THE QUARRYING PERMIT ISSUED TO THE 12TH RESPONDENT DATED 11.7.14.**
- EXHIBIT P4. COPY OF THE CONSENT TO OPERATE QUARRY GRANTED BY THE POLLUTION CONTROL BOARD TO THE 12TH RESPONDENT ON 2.6.15.**
- EXHIBIT P5. COPY OF THE PETITION FILED BEFORE THE DISTRICT COLLECTOR, ERNAKULAM DATED 15.10.15.**
- EXHIBIT P6. COPY OF THE PHOTOGRAPHS OF THE QUARRYING PLACE.**
- EXHIBIT P7. COPY OF THE COMMUNICATION DATED 22.2.14 FROM THE 5TH RESPONDENT.**
- EXHIBIT P8. COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.32456 of 2015

Dated this the 12th day of November, 2015

J U D G M E N T

The petitioner has approached this Court challenging quarrying operation by the 12th respondent. According to the petitioner, 12th respondent cannot operate the quarry, without obtaining environmental clearance.

2. The 12th respondent would submit that he had all the requisite permit, except the environmental clearance. It is further submitted that in the light of the G.O.(P) NO.144/22 dated 50.10.2015, he is entitled to operate the quarry without production of environmental clearance. This Court directed the Government Pleader to get instructions whether the above Government Order would apply in the matter of the 12th respondent.

3. The learned Government Pleader submits that the above Government Order would apply to 12th respondent as well.

4. The learned Counsel for the petitioner objects the above submission and submits that the 12th is not entitled for the

benefit of the above Government Order as the 12th respondent is not the holder of the quarrying permit prior to the year 2012. The learned Counsel for the 12th respondent would submit that quarry had a valid permit in the name of partner of the 12th respondent before 2012.

5. I am not expressing anything on the merit of this issue. The Geologist shall take appropriate decision in this matter, after adverting to the Government Order and after hearing the petitioner and the 12th respondent. The quarrying operation being carried by the 12th respondent would depend upon the decision of the Geologist.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/