

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 32718 of 2014 (L)

PETITIONER:

G.ASOKAN, AGED 63 YEARS
NIKHIL BHAVAN, MANALI, MOONGODU PO
THIRUVANANTHAPURAM

BY ADVS.SRI.SHABU SREEDHARAN
SRI.K.M.ABDUL MAJEED
SRI.B.BALAPRASANNAN
SRI.N.MUHAMMAD SAJU
SRI.UDAYAKUMAR SREEDHARAN
SMT.RESHMA ABDUL RASHEED

RESPONDENTS:

1. THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM - 695 043.
2. THE GEOLOGIST, DEPT.OF MINING AND GEOLOGY
THIRUVANANTHAPURAM 695 004
3. KATTAKKADA GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KATAKKADA PO
THIRUVANANTHAPURAM 695 572.
4. THE SUB INSPECTOR OF POLICE
VILAPPILSALA POLICE STATION
THIRUVANANTHAPURAM 695 573.
5. JAYAKUMAR, BATHEL BHAVAN, MANALI, MOOMNGODU PO
THIRUVANANTHAPURAM 695 144
- Addl.6. JAYAKUMAR, AGED 40, S/O.MANIYAN,
INDIRA BHAVAN, PALOTTU VILLA, MALAYINKEEZHU PO.,
THIRUVANANTHAPURAM - 695 571, IS IMPEADED AS PER ORDER
DATED 20.12.2014 IN IA.17497/2014.

RADDL. 6 BY ADV. SRI.A.S.SHAMMY RAJ
R5 BY ADV. SRI.SABU S.KALLARAMOOLA
R3 BY ADV. SRI.S.V.PREMAKUMARAN NAIR
R3 BY ADV. SRI.R.T.PRADEEP
R3 BY ADV. SMT.P.S.ANJU
R1,2 & 4 BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32718 of 2014 (L)

APPENDIX

PETITIONER'S EXHIBITS :

EXT. P1 : COPY OF THE ORDER IN IA NO.4797/2012 IN OS NO.916/2012 BEFORE
THE MINSIFF COURT,NEDUMANGADU DATED 26/6/2013.

EXT. P2 : COPY OF THE FIR IN CRIME NO.542/2011 OF VILAPPILSALA POLICE
STATION DATED 27/9/2011.

EXT. P3 : COPY OF THE COMPLAINT BEFORE THE 1ST RESPONDENT DATED NIL.

EXT. P4 : COPY OF THE STOP MEMO DATED 27/5/2014.

EXT. P5 : COPY OF THE FIR WITH THE FIS IN THE CRIME NO.548/2014.

EXT. P6 : COPY OF THE SAID NOTICE ISSUED BY THE 4TH RESPONDENT DT. NIL.

EXT. P7 : COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DT.28/5/2014.

EXT. P8 : COPY OF THE APPLICATION BEFORE THE 1ST RESPONDENT DT.9/6/2014.

EXT. P9 : COPY OF THE APPLICATION BEFORE THE 2ND RESPONDENT DT.9/6/2014.

EXT. P10: COPY OF THE REPORT DATED NIL.

EXT. P11: COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DT.19/11/2014.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE

dl/

A.M.SHAFIQUE, J

W.P.C.No.32718 of 2014

Dated this the 30th day of March 2015

J U D G M E N T

This writ petition is filed seeking to quash Exts.P4, P6 and P7 stop memos and for a direction to respondents 1 to 4 to grant permission to the petitioner to start functioning of the quarry.

2. It is now brought to the notice of this Court that the permits granted in favour of the petitioner has already been expired on 24/02/2015 and according to the petitioner, renewal application has already been submitted before the competent authorities.

3. In so far as the permit has already been expired, petitioner can operate the unit only after getting necessary permission/renewal in this regard. In the said circumstances, no useful purpose will be served in quashing Exts.P4, P6 and P7 stop memos. If the competent authorities are satisfied that the functioning of the quarry is not illegal and is in accordance with the procedure

prescribed, it shall always be open for the petitioner to approach the authorities and seek for renewal of the same.

4. The learned counsel for the 6th respondent submits that since the property in which the quarry is being conducted is having an area more than five hectares, the petitioner requires to obtain necessary environmental clearance, as envisaged under the notification issued under the Environmental Protection Act.

5. These are all matters which have to be considered by the concerned authorities while considering the application of the petitioner for renewal of the licence/permission. Under such circumstances, no useful purpose will be served in adjudicating the issues projected by the petitioner.

Accordingly the writ petition is dismissed.

(sd/-)

(A.M.SHAFIQUE, JUDGE)

jsr

