

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 32745 of 2014 (P)

PETITIONER:

1. SUDARSANAN.G, AGED 51 YEARS,
S/O. GOVINDAN, RESIDING AT SURJITH BHAVAN,
PUNNAVOOR, KOOVALASSRY P.O., THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN
SMT.K.G.SAROJINI
SRI.A.M.UMAR NASEEF

RESPONDENTS:

1. THE SECRETARY (SPECIAL GRADE),
MARANALLOR GRAMA PANCHAYAT,
MARANALLOOR, KOOVALASSERY P.O.,
THIRUVANANTHAPURAM - 695 102.
2. THE ASSISTANT DIVISIONAL OFFICER,
OFFICE OF THE FIRE AND RESCUE, CHENGAL CHOOOLA,
THIRUVANANTHAPURAM.
3. THE DISTRICT MEDICAL OFFICER (HEALTH),
OFFICE OF THE DISTRICT MEDICAL OFFICER,
GENERAL HOSPITAL JUNCTION, TIRUVANANTHAPURAM.

R1 BY ADV. SRI.V.PHILIP MATHEW
R BY SMT. K.A. SANJEETHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 A TRUE COPY OF THE RECEIPT DTD 18-09-2014 BEARING NO 6239/14 ISSUED BY THE FIRST RESPONDENT IN RESPECT OF LICENSE APPLICATION SUBMITTED BY THE PETITIONER FOR QUARRYING.

EXHIBIT P2 A TRUE COPY OF THE CIRCULAR NO 78327/RC3/09/LSGD DATED 15-3-2010 ISSUED BY THE GOVERNMENT OF KERALA.

EXHIBIT P3 A TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD IN FAVOUR OF THE PETITIONER.

EXHIBIT P4 A TRUE COPY OF THE TAX RECEIPT DATED 16-04-2014 AND 28-05-2014 IN FAVOUR OF THE PETITIONER.

EXHIBIT P5 A TRUE COPY OF THE LOCATION SKETCH IN RESPECT OF THE PROPERTIES.

EXHIBIT P6 A TRUE COPY OF THE QUARRYING PERMIT FOR EXTRACTION OF GRANITE BUILDING STONE ISSUED BY THE GEOLOGIST, MINING AND GEOLOGY DEPARTMENT, THIRUVANANTHAPURAM IN FAVOUR OF THE PETITIONER.

EXHIBIT P7 TRUE COPY OF THE NOTICE DATED 4-10-2014 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXHIBIT P8 TRUE COPY OF THE RECEIPT DATED 17-10-2014 ISSUED BY THE 1ST RESPONDENT PANCHAYATH ON RECEIPT OF APPLICATION FOR FORWARDING THE REQUEST OF THE PETITIONER TO THE DISTRICT MEDICAL OFFICER.

EXHIBIT P9 TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT PANCHAYAT ON RECEIPT OF APPLICATION REQUESTING TO FORWARD THE COVERING LETTER OF THE PETITIONER TO THE FIRE AND RESCUE DEPARTMENT.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 32745 of 2014 (P)

Dated this the 27th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent Panchayath and the learned Government Pleader, apart from perusing the record.

2. Briefly stated, the petitioner is said to have applied to the first respondent Grama Panchayath for licence for conducting rock quarrying operations. Though it is the contention of the petitioner that no further permissions are required from respondents 2 and 3 for obtaining the necessary licence from the respondent Grama Panchayath, on its insistence, the petitioner is said to have submitted an application to the Grama Panchayath to be forwarded to respondents 2 and 3 so that the said authorities would issue the other clearances as well, as have been insisted on by the respondent Grama Panchayath. Complaining of what is said to be the inordinate delay in forwarding the petitioner's application to respondents 2 and 3 by the respondent Grama Panchayath, the petitioner filed the present writ petition.

3. The learned counsel for the petitioner has submitted that the consent to operate obtained by the petitioner from the Pollution Control Board is to expire by 31.01.2015 and Ext.P6 quarrying permit issued by the Mining and Geology Department, by 09.02.2015. The first respondent Grama Panchayath ought to expedite the process without any delay.

4. The learned counsel for the first respondent Grama Panchayath has submitted that the Grama Panchayath does not have any objection to forward the petitioner's application to respondents 2 and 3.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing Counsel, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to forward the petitioner's applications to respondents 2 and 3, as expeditiously as possible, at any rate, within 15 days from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

