

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 32533 of 2015 (N)

PETITIONER:

**LAISA RAGHU, AGED 56 YEARS,
W/O.DR. K. G. RAGHU, NIRMALYAM, KOLAGAPPARA P O,
SULTHAN BATHERY, WAYANAD, PIN 673591.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE, SECRETARAIT,
THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, KAIRALI NAGAR, KALPETTA,
WAYANAD 673122.**
- 3. THE REVENUE DIVISIONAL OFFICER,
CIVIL STATION , KAIRALI NAGAR, KALPETTA,
WAYANAD 673122.**
- 4. THE ENVIRONMENTAL ENGINEER,
THE KERALA STATE POLLUTION CONTROL BOARD,
WAYANAD DISTRICT OFFICE, JASAM COMPLEX, PINANGODE ROAD,
KALPETTA, WAYANAD 673121.**
- 5. THE TALUK LAND BOARD,
REPRESENTED BY ITS CHAIRMAN, CIVIL STATION, KAIRALI NAGAR,
WAYANAD 673121.**
- 6. M P KURIAKOSE,
PROPRIETOR, CANAN SANDS, KOLAGAPPARA P O,
SULTHAN BATHERY, WAYANAD 673591.**

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WP(C).No. 32533 of 2015 (N)

**7. M K JINACHANDRAN,
VIJAYA MAHAL, KALPETTA, WAYANAD 671121.**

**R1-3 & 5 BY GOVERNMENT PLEADER SRI.MANOJ M.KUNJACHAN
R4 BY ADV. SRI.B.PRASANTH, SC, POLUTION CONTROL BOARD
R6 & 7 BY ADV. SRI.P.M.ZIRAJ**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE CERTIFICATE OF EXCELLENCE ISSUED BY TRIPADVISOR,
- P2:- TRUE COPY OF THE APPLICATION FOR CONSENT DTD 24/1/2014
- P3:- TRUE COPY OF THE APPLICATION FOR CONSENT DTD 4/2/2015
- P4:- TRUE COPY OF THE LAYOUT PLAN SUBMITTED BY RESPONDENT NO 5
- P5:- TRUE COPY OF THE INTEGRATED CONSENT TO ESTABLISH DTD 19/2/2014
- P6:- TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE DTD 13/2/2015
- P7:- TRUE COPY OF THE PHOGRAPHS USING GOOGLE MAPS
- P8:- TRUE COPY OF THE REPRESENTATION DTD 12/6/2015 FILED BY THE PETITIONER BEFORE THE RESPONDENT NO 3
- P9:- TRUE COPY OF THE REPRESENTATION DTD 3/7/2015 SUBMITTED BEFORE RESPONDENT NO 2
- P10:- TRUE COPY OF THE PHOTOGRAPH SHOWING THE READING OF SOUND LEVEL

RESPONDENT(S)' EXHIBITS

- R6(1): TRUE COPY OF PANCHAYATH LICENCE DATED 28/4/15 ISSUED BY THE SECRETARY, MEENANGADI GRAMA PANCHAYATH THESE RESPONDENTS
- R6(2): TRUE COPY OF THE CONSENT TO OPERATE DATED 13/2/15 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THESE RESPONDENTS
- R6(3): TRUE COPY OF THE DEALERS LICENCE DATD 17/6/15 ISSUED BY THE GEOLOGIST, DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY, WAYANAD
- R6(4): TRUE COPY OF THE CERTIFICATE OF REGISTRATION FOR STOCKING AND SELLING AND/OR PROCEESEING OF MINERALS DATED 13/4/15 ISSUED B Y GEOLOGIST, DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY, WAYANAD
- R6(5): TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 7/2/15 ISSUED BY THE ASSISTANT DIVISIONAL OFFICER, KERALA FIRE AND RESECUE SERVICES, KALPETTA

PJ

WP(C).No. 32533 of 2015 (N)

- R6(6): TRUE COPY OF THE CERTIFICATE DATED 29/9/15 ISSUED BY THE JOINT
DIRECTOR OF FACTORIES AND BOILERS**
- R6(7): TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 21/4/15 ISSUED BY
THE DISTRICT MEDICAL OFFICER, WAYANAD.**
- R6(8): TRUE COPY OF THE CERTIFICATE OF REGISTRATION UNDER KERALA VALUE
ADDED TAX RULES 2005 DATED 7/5/15**
- R6(9): TRUE COPY OF THE INSPECTION REPORT OF COMBINED INSPECTION
CONDUCTED AS AFORESAID ISSUED BY THE R4 TO THESE RESPONDENTS
ALONG WITH THE DECISION OF THE POLLUTION CONTROL BOARD DATED
29/10/15 ISSUED UNDER RIGHT TO INFORMATION ACT.**

/ TRUE COPY /

P. S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 32533 of 2015

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Dated this the 24th day of November, 2015

J U D G M E N T

This matter is relating to operating a crusher unit by the 6th respondent. This Court on 27.10.2015 passed an interim order as follows:

“Urgent notice by special messenger to the respondents 6 and 7.

2. The learned counsel for the petitioner points out in the application for consent, the 6th respondent shown the distance of the residential house is 250 m. The learned counsel for the petitioner referring to Ext.P7 shows that the distance of the house is less than 200 m. It is also pointed out that the quarrying operation is being carried in a land exempted under the Land Conservancy Act. Considering the facts and circumstances there shall be an interim order as prayed for. The 3rd respondent shall ensure that the activities are stopped forthwith.

The 4th respondent is directed to compute the distance of the nearest to residential area and report before this Court within two weeks.”

2. Today an affidavit has been filed by the 6th respondent stating that he will take measures referred in the affidavit to safeguard and protect the petitioner.

3. The petitioner has also filed a memo to the effect that he is satisfied with those undertaking made by the 6th respondent in the affidavit. Therefore the undertaking referred in the affidavit is

recorded. The 6th respondent shall operate the unit based on the affidavit dated 24.11.2015 filed before this Court. It is open for the petitioner to approach this Court, if there is any violation of the undertaking given in the affidavit. Therefore the writ petition is disposed of, permitting the 6th respondent to operate unit in terms of the affidavit filed before this Court. The affidavit filed by the 6th respondent and memo submitted by the petitioner would form part of the judgment. The impleading petition filed by the third party is closed with a liberty to the petitioner in that above I.A. to agitate the matter independently.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE