

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 32842 of 2015 (E)

PETITIONER(S):

**M/S. WIMROCK GRANITE (P) LTD.,
THEKKUMALA, VADASSERIKKARA P.O.,
PATHANAMTHITTA DISTRICT,
REPRESENTED BY ITS MANAGING DIRECTOR,
RAJU K.THOMAS.**

**BY ADVS.SRI.HARISANKAR V. MENON,
SMT.MEERA V.MENON.**

RESPONDENT(S):

**DIRECTOR, MINING & GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695 004.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 :** COPY OF QUARRY LEASE ENTERED INTO BETWEEN THE PETITIONER AND THE DEPARTMENT OF MINING AND GEOLOGY, DTD. 30.11.2007.
- P1(A):** COPY OF QUARRY LEASE ENTERED INTO BETWEEN THE PETITIONER AND THE DEPARTMENT OF MINING AND GEOLOGY, DTD. 24.07.2008.
- P2 :** COPY OF THE LICENSE ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES, CHENNAI, DTD. 16.11.1999.
- P3 :** COPY OF THE MINUTES OF THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM, DTD.14.05.2015.
- P4 :** COPY OF REGISTRATION CERTIFICATE ISSUED BY THE RESPONDENT TO THE PETITIONER, DTD. 04.04.2015.
- P5 :** COPY OF CHALLAN FOR EVIDENCING THE PAYMENT MADE BY THE PETITIONER, DTD. 31.03.2015.
- P5(A):** COPY OF CHALLAN FOR EVIDENCING THE PAYMENT MADE BY THE PETITIONER, DTD. 29.06.2015.
- P5(B):** COPY OF CHALLAN FOR EVIDENCING THE PAYMENT MADE BY THE PETITIONER, DTD. 29.09.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 32842 of 2015

Dated this the 20th day of November, 2015

JUDGMENT

The petitioner is the owner of quarrying lease. The petitioner has approached this Court for the following reliefs :

- “i) To direct the respondent to issue the required movement permits by the issue of a writ of mandamus or such other writ, order or direction.
- ii) To grant the petitioner such other incidental reliefs including the costs of these proceedings.”

2. The total area covered by quarrying lease is more than 9 hectares. It is submitted by the learned counsel for the petitioner that the petitioner has not obtained environmental clearance.

3. This Court is of the view that in the absence of environmental clearance, the petitioner shall confine their

quarrying operation to the extent of two hectares. The petitioner also undertakes that they will confine their quarrying operation to the extent of two hectares and they will carry out quarrying operation beyond two hectares only after obtaining environmental clearance.

4. In that view of the matter, the following directions are issued :

The Geologist is directed to earmark two hectares to enable the petitioner to quarry as based on the quarrying lease and issue necessary movement permits to the petitioner based on the demarcation. However, it is made clear that the petitioner cannot quarry beyond two hectares without obtaining environmental clearance.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr