

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 33796 of 2015 (Y)

PETITIONER :

**SREEKUMAR V.,
S/O.P.VIJAYAN, AGED 46 YEARS, VELIYATHU HOUSE,
KALADY P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINING & GEOLOGY,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PINCODE-695 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM. PIN-682 018**
- 3. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, CIVIL STATION,
KAKKANAD, ERNAKULAM. PIN-682 018**
- 4. P.K.OUSEPH, S/O.KURIAN, AGED 64 YEARS,
POONOLY HOUSE, KURICHILACODE, KODANAD P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT, PIN-683 544.**

R1 TO R3 BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 33796 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT.P1- TRUE COPY OF THE SALE DEED NO.6575/2011 OF PERUMBAVOOR SUB REGISTRAR'S OFFICE.
- EXHIBIT.P2- TRUE COPY OF THE BASIC TAX RECEIPT IN THE NAME OF THE PETITIONER.
- EXHIBIT.P3- TRUE COPY OF THE QUARRYING PERMIT DATED 19.3.2014 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT.P4- TRUE COPY OF THE LICENCE ISSUED BY THE KOOVAPADY GRAMA PANCHAYATH.
- EXHIBIT.P5- TRUE COPY OF THE EXPLOSIVE LICENSE DATED 30.5.2014 ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM.
- EXHIBIT.P6- TRUE COPY OF THE CONSENT LETTER DATED 28.1.2013 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT.P7- TRUE COPY OF THE PERMIT ISSUED BY THE 3RD RESPONDENT WITH EFFECT FROM 12.5.2015.
- EXHIBIT.P8- TRUE COPY OF THE LICENSE GRANTED BY THE KOOVAPADY GRAMA PANCHAYTH.
- EXHIBIT.P9- CONSNT LETTER DATED 11.05.2015 WAS ISSUED BY THE KERALA STATE POLLUTION CONTROL AND A TRUE COPY OF THE SAME.
- EXHIBIT.P10- TRUE COPY OF THE INTERIM ORDER DATED 16.6.2015 IN WPC NO.5129/2015.
- EXHIBIT.P11- TRUE COPY OF THE GO(P) NO.144/2015/ID DATED 5.10.2015.
- EXHIBIT.P12- TRUE COPY OF THE PERMIT DATED 03.02.2011 ISSUED BY THE MINING AND GEOLOGY DEPARTMENT.
- EXHIBIT.P13- TRUE COPY OF THE ORDER DATED 20.10.2015 IN WPC NO.31418/2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 33796 of 2015

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Dated this the 16th day of November, 2015

J U D G M E N T

This matter has been taken up along with W.P(C) NO.5129/15. In the W.P.(C) No.5129/15, there is an interim order to restrain the writ petitioner in W.P.(C) No.33796/15 conducting quarrying operation without environmental clearance.

2. The learned counsel for the petitioner submits that he is entitled for quarrying operation in the light of Government Order 144/15. The learned counsel for the writ petitioner in W.P(C) No. 5129/15 submits that he is not entitled for operation.

3. This Court is of the view that the Geologist shall verify whether the writ petitioner in W.P.C No. 33796/15 is entitled for quarrying operation in the light of the Government order 144/15. If he is entitled, he may be permitted to operate the quarry in accordance with law and also based on the permit already issued to him. This shall be done after hearing the writ

petitioner in W.P.C No.33796/15 as well as the writ petitioner in W.P.C No.5129/15. Appropriate decision shall be taken within three weeks from the date of receipt of the copy of this judgment. In the light of above the interim order in W.P.(C) No.5129/15 is modified, accordingly. The writ petition W.P.(C) No.33796 is disposed of.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE