

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 38099 of 2010 (J)

PETITIONER:

**ATHANI BRICKS METALS (PVT.) LTD.,
NARIPPARA PO, VARAMBETTA, PADINJARATHARA,
KALPETTA, WAYANAD DISTRICT,
REPRESENTED BY ITS MANAGING DIRECTOR,
MATHEW JOSEPH.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINING & GEOLOGY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR, MINING AND GEOLOGY DEPARTMENT,
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, P.O PATTAM PALACE,
THIRUVANANTHAPURAM - 695 004.**
- 3. THE DIRECTOR, GEOLOGICAL SURVEY OF INDIA,
KERALA CIRCLE OFFICE, NETTAYAM P.O,
MANIKANTESWARAM, THIRUVANANTHAPURAM - 695 013.**
- 4. THE PADINJARETHARA GRAMA PANCHAYATH,
PADINJARETHARA, WAYANAD 673 575,
REPRESENTED BY THE SECRETARY.**
- 5. THE DISTRICT COLLECTOR, WAYANAD - 673 121.**
- 6. THE TAHSILDAR, VYTHIRI TALUK OFFICE,
WAYANAD DISTRICT, PIN - 673 576.**

**R1 TO R3 & R5 TO R6 BY GOVT. PLEADER SMT.C.K.SHERIN
R4 BY ADV. SRI.MANOJ RAMASWAMY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE ORDER NO.486/97-98/11744/M4/97
DATED 15.11.1997.
- EXT. P2 : TRUE COPY OF THE ORDER NO.664/2002-2003/2563/M3/03
DATED 27.3.2003.
- EXT. P3 : TRUE COPY OF THE CERTIFICATE NO.B.2935/98 DATED 16.10.1998.
- EXT. P4 : TRUE COPY OF THE LICENCE NO.1/06-07 DATED 1.4.06.
- EXT. P5 : TRUE COPY OF THE LICENCE NO.B4-34/10-11 DATED 10.5.2010.
- EXT. P6 : TRUE COPY OF THE CERTIFICATE NO.E/SC/KL/22/673(E28384)
DATED 2.4.2009.
- EXT. P7 : TRUE COPY OF THE LICENCE NO.E/SE/KL/30/20 (E43549)
DATED 5.12.2007.
- EXT. P8 : TRUE COPY OF THE PROCEEDINGS NO.2811/M3/2010 DATED 27.5.2010.
- EXT. P9 : TRUE COPY OF THE INTEGRATED CONSENT DATED 13.6.2010 VALID
UPTO 30.6.2012.
- EXT. P10 : TRUE COPY OF THE REPORT ON THE VIST TO ATHANI QUARRY AND
CRUSHER UNIT BY THE COMMITTEE APPOINTED BY THE
GOVERNMENT.
- EXT. P10(A) : TRUE COPY OF THE ORDER NO.1482/09 DATED 18.6.2009.
- EXT. P11 : TRUE COPY OF THE REQUEST DATED 14.12.2010.
- EXT. P12 : TRUE COPY OF THE COMMUNICATION NO.DOW/M-1001/2010
DATED 15.12.2010.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P(C). No.38099 of 2010

Dated this the 10th day of July, 2015.

JUDGMENT

The petitioner was before this Court aggrieved with Ext.P10 report of the Committee appointed by the Government, based on which Ext.P12 order was issued, by which the quarry and crusher unit of the petitioner was directed to be stopped. In view of the change in law as per the Kerala Minor Mineral Concession Rules, 2015 and amendments made to the Mines and Minerals (Development and Regulations) Act, 1957, the petitioner submits that he would proceed under the Act. No operations would be conducted unless and until such permission is obtained.

The writ petition would stand disposed of, leaving all contentions open.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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