

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C) .No. 34610 of 2015 (A)

PETITIONER(S) :

M/S.CRYSTAL GRANITES LIMITED,
CHULLY P.O., THATTUPARA, ERNAKULAM,
ALUVA-683 581,
REPRESENTED BY THE MANAGING DIRECTOR SRI. GEORGE ANTONY,
RESIDENT OF KUREEKKAL HOUSE, KIZHAKKAMBALAM,
KUNNATHUNAD, ERNAKULAM DISTRICT.

BY ADV. SRI.N.JAMES KOSHY

RESPONDENT (S) :

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF MINING,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE PRINCIPAL SECRETARY,
INDUSTRIES (A) DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
3. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,
CIVIL STATION, ERNAKULAM, KAKKANAD
KOCHI-682 030.
4. THE DIRECTOR,
MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY,
GOVERNMENT OF KERALA, KESAVADASAPURAM, PATTOM PLACE P.O.,
THIRUVANANTHAPURAM-695 004.
5. THE DIRECTOR,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE,
THIRUVANANTHAPURAM-695 004.

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 : TRUE COPY OF THE QUARRYING LEASE DT 3-3-2008 EXECUTED BETWEEN THE GOVERNOR OF KERALA AND PETITIONER.
- EXT. P2 : TRUE COPY OF THE LICENCE NO.A6 22A/2014-15 DT 21-5-2014 ISSUED BY SECRETARY, AYYAMPUZHA GRAMA PANCHAYAT TO THE PETITIONER.
- EXT. P3 : TRUE COPY OF THE ORDER OF CONSENT TO OPERATE DT 31-3-2015 ISSUED IN FAVOUR OF THE PETITIONER BY KERALA STATE POLLUTION CONTROL BOARD, THIRUVANANTHAPURAM.
- EXT. P4 : TRUE COPY OF THE FORM L REGISTRATION CERTIFICATE DT 17-4-2015 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXT. P5 : TRUE COPY OF THE STOP MEMO NO.DOE/1562/E2/2015 DT 28-5-2015 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- EXT. P6 : TRUE COPY OF THE MINUTES OF THE 46TH MEETING OF SEAC (STATE ENVIRONMENTAL ASSESSMENT COMMITTEE) HELD ON 29TH AND 30TH SEPTEMBER 2015.
- EXT. P7 : TRUE COPY OF THE JUDGMENT DT 7-10-2015 IN WPC.NO.20554/2015 OF THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.
- EXT. P8 : TRUE COPY OF THE ORDER GO(P) NO.144/2015/ID DT 5-10-2015 ISSUED BY 1ST RESPONDENT.
- EXT. P9 : TRUE COPY OF THE REPRESENTATION DT 7-11-2015 SUBMITTED BY PETITIONER TO THE 4TH RESPONDENT.
- EXT. P10 : TRUE COPY OF THE COMMUNICATION NO.896/M3/2015 DT 21-8-2015 ISSUED BY 4TH RESPONDENT TO PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIES (A) DEPARTMENT.
- EXT. P11 : TRUE COPY OF JUDGMENT DT 28-10-2015 IN WPC.NO.32469/2015 OF THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34610 of 2015

Dated this the 17th day of November, 2015

JUDGMENT

The petitioner obtained a quarrying lease. Ext.P1 is the quarrying lease. The petitioner had applied for environmental clearance. This was recommended by the State Environmental Assessment Committee as per Ext.P6.

2. The petitioner in the meanwhile seeks that they may be permitted to restrict the quarry operation upto two hectares and they would only quarrying to entire extent only after obtaining necessary permission from the fifth respondent and Geologist.

3. The petitioner refers to the judgment of this Court in W.P. (C) No.20554/2015.

4. This Court is of the view that the petitioner shall be permitted to quarry operation to the extent of two hectares till environmental clearance and necessary permit is obtained. Therefore, the third respondent shall identify the two hectares of the land and grant permission to the petitioner to operate with two

hectares. It is made clear that the petitioner can undertake quarrying operation beyond two hectares only after obtaining environmental clearance and further permission from the Geologist. Appropriate action shall be taken by the third respondent within a period of three weeks.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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