

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 35106 of 2015 (K)

PETITIONER:

**S.SHAJI, AGED 49 YEARS,
S/O.SOMANATHAN, THEKKUVILA MELATHIL VEEDU,
KUDAVATTOOR (P.O), VELIAM, KOLLAM DISTRICT.**

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
INDUSTRIES (A)DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR,
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE (P.O),
THIRUVANANTHAPURAM - 695 004.**
- 3. THE GEOLOGIST,
MINING AND GEOLOGY DISTRICT OFFICE,
KOLLAM - 691 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: A TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE
THIRD RESPONDENT ON 24.6.2015 VALID UPTO 23.10.2015.**
- EXT.P-2: A TRUE COPY OF THE CHALLAN DATED 24.6.2015 EVIDENCING
PAYMENT OF RS.6 LAKHS TOWARDS PAYMENT OF ROYALTY FOR
MINING BUILDING STONES.**
- EXT.P-3: A TRUE COPY OF THE D & O LICENSE DATED 16.6.2015 ISSUED BY
CHADAYAMANGALAM GRAMA PANCHAYATH FOR MINING BUILDING
STONES.**
- EXT.P-4: A TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY ISSUED
BY THE KERALA STATE POLLUTION CONTROL BOARD IN THE
AFORESAID PROPERTY ON 10.2.2012 VALID UPTO 31.12.2014.**
- EXT.P-5: A TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY OF THE
PETITIONER BY THE KERALA STATE POLLUTION CONTROL BOARD
DATED 11.9.2015 VALID UPTO 8.1.2015**
- EXT.P-6: A TRUE COPY OF THE RECEIPT EVIDENCING ACCEPTANCE OF THE
APPLICATION SUBMITTED BY THE PETITIONER DATED 30.1.2015.**
- EXT.P-7: A TRUE COPY OF THE RECEIPT DATED 22.6.2015 EVIDENCING
PAYMENT OF RS.1. LAKH TOWARDS PROCESSING FEE ISSUED BY
THE SEIAA TO THE PETITIONER.**
- EXT.P-8: A TRUE COPY OF THE NOTICE DATED 31.10.2015 ISSUED BY THE
SEIAA TO THE PETITIONER.**
- EXT.P-9: A TRUE COPY OF THE ORDER DATED 17.11.2015 ISSUED BY THE
THIRD RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 35106 of 2015

Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner has applied for renewal of quarrying permit. Ext.P1 is the permit. Admittedly the petitioner did not have quarrying permit prior to 26.2.2014. Therefore, it is mandatory for him to obtain environmental clearance.

2. The petitioner submits that his application is pending for recommendation by the State Environmental Impact Assessment Committee. As seen from Ext.P8, the petitioner has been directed to produce certain documents. The petitioner submits that he has produced all the documents referred in Ext.P8.

3. This Court is of the view that the State Impact Assessment Committee shall consider the petitioner's application in the next meeting itself.

4. Considering the fact that application is in the nature of renewal, if the committee recommends petitioner's case, appropriate decision shall be taken by the State Environmental Impact Assessment Authority, without any delay. Based on the

environmental clearance, the Geologist shall take a decision on petitioner's application within a period of two weeks thereon. State Environment Impact Assessment Appraisal Committee, Department of Environment & Climate Change, Pallimukku, Pettah is suo motu impleaded as additional 4th respondent.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/