

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 35537 of 2015 (N)

PETITIONER(S):

**GEOGY P.L. @ JOGI P.L, AGED 45 YEARS,
S/O.LONAPPAN, PUTHUSSERY HOUSE, THABORE P.O.,
MOOKKANNORE, PARTNER, M/S.STAR GRANITES,
THABORE P.O.**

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.AJAY BEN JOSE**

RESPONDENT(S):

- 1. THE DIRECTOR,
MINING & GEOLOGY, KESAVADASAPURAM,
PATTOM PALACE P.O., TRIVANDRUM-695 004.**
- 2. THE GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE,
ERNAKULAM-682 011.**
- 3. THE VILLAGE OFFICER,
AYYAMPUZHA-683 581.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35537 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF DOCUMENT NO.2173 OF 2008 DATED 10.03.2008
EXECUTED BETWEEN THE PETITIONER AND 2ND RESPONDENT.**

**EXHIBIT-P2: TRUE COPY OF REGISTRATION CERTIFICATE DATED 28.03.15 IN FORM-L
OF THE KERALA MINOR MINERAL CONCESSION RULES, 2015.**

**EXHIBIT-P3: TRUE COPY OF CERTIFICATE FOR RECEIPT OF 1ST INSTALLMENT OF
CONSOLIDATED ROYALTY DATED 28.03.2015.**

**EXHIBIT-P4: TRUE COPY OF CERTIFICATE ISSUED BY THE 1ST RESPONDENT ON
19.06.2015.**

**EXHIBIT-P5: TRUE COPY OF MOVEMENT PERMIT DATED 13.07.2015 ISSUED BY THE
2ND RESPONDENT TO THE PETITIONER.**

**EXHIBIT-P6: TRUE COPY OF ACKNOWLEDGMENT DATED 09.02.2015 ISSUED BY THE
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY.**

**EXHIBIT-P7: TRUE COPY OF PROCEEDINGS DATED 07.10.2015 OF THE 1ST
RESPONDENT.**

EXHIBIT-P8: TRUE COPY OF MOVEMENT PERMIT DATED 13.10.2015.

**EXHIBIT-P9: TRUE COPY OF AFFIDAVIT FILED BY THE PETITIONER BEFORE THE
1ST RESPONDENT.**

**EXHIBIT-P10: TRUE COPY OF LETTER DATED 04.07.2015 ISSUED BY THE 2ND
RESPONDENT TO THE 1ST RESPONDENT.**

**EXHIBIT-P11: TRUE COPY OF CERTIFICATE DATED 30.10.2015 ISSUED BY THE
VILLAGE OFFICER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35537 of 2015

Dated this the 30th day of November, 2015

JUDGMENT

The petitioner has approached this Court with the following reliefs:

- i. Call for the records leading to Ext.P7 and quash the condition in Ext.P7 that, the petitioner shall conduct quarrying operation only after production of environmental certificate, by issue of a writ of certiorari or other writ, order or direction;
- ii. issue a writ of mandamus or other writ, order or direction compelling the respondents 1 and 2 to issue movement permit to the petitioner to transport granite quarried from the lease hold in Ext.P1.

2. The petitioner, aggrieved by Ext.P7 issued by the Director, Mining and Geology Department stating that he is conducting quarry without environmental clearance.

3. The petitioner has been issued with Ext.P1 quarrying lease dated 10.3.2008 to conduct quarrying operation in 6.2375 hectares of land. According to the petitioner, he is conducting

quarrying operation in three hectares. The petitioner refers to Ext.P10 report of the Director, Mining and Geology Department.

4. Apparently, Ext.P7 has been issued taking note of the fact that the area of the lease is more than five hectares. The Director has not taken note of the fact that the petitioner has confined the quarrying operation in three hectares.

In the light of the above, the insistence of production of encumbrance has to be set aside. The petitioner shall confine the operation only upto three hectares as reported in Ext.P10. Further, necessary movement permit shall also be issued to remove the minerals from the quarry. Therefore, the petitioner is permitted to conduct the quarry based on the lease confined to three hectares.

The writ petition is disposed of as baove.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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