

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 36768 of 2015 (U)

PETITIONER(S) :

**SUNIL KUMAR, AGED 44 YEARS,
S/O.NADESAN, MANAGING DIRECTOR,
SKG GRANITES & QUARRIES (PVT) LTD., OOTTUPARA, KONNI,
PATHANAMTHITTA.**

BY ADV. SRI.MATHEW A KUZHALANADAN

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA, REPRESENTED BY ITS DIRECTOR,
DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE,
PALLIMUKKU, PETTAH, TRIVANDRUM - 695 024.**
- 3. STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAL) KERALA,
REPRESENTED BY ITS CHAIRMAN, DIRECTORATE OF ENVIRONMENT,
PETTAH, THIRUVANANTHAPURAM 695 024.**

*** ADDITIONAL R4 IMPLEADED**

- 4. TAHASILDAR,
KONNI TALUK, PATHANAMTHITTA DISTRICT.**

*** ADDITIONAL R4 IS SUO MOTU IMPLEADED AS PER ORDER DATED 04.12.2015**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P-1: TRUE COPY OF THE PANCHAYATH LICENSE, DATED 31.10.2014 ISSUED TO THE PETITIONER.**
- EXT.P-1(A): TRUE COPY OF THE QUARRYING PERMIT DATED 16.12.2014 ISSUED TO THE PETITIONER.**
- EXT.P-1(B): TRUE COPY OF THE POLLUTION CONSENT, DATED 07.07.2012 ISSUED TO THE PETITIONER.**
- EXT.P-1(C): TRUE COPY OF THE EXPLOSIVE LICENSE DATED 27.03.2015 ISSUED TO THE PETITIONER.**
- EXT.P-2: TRUE COPY OF THE RELEVANT PAGES MINUTES OF THE 20TH MEETING OF THE 3RD RESPONDENT HELD ON 5TH OCTOBER, 2013.**
- EXT.P-3: TRUE COPY OF THE FRESH APPLICATION DATED 16.01.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P-4: TRUE COPY OF THE ABSTRACT OF THE AGENDA FOR 25TH MEETING OF THE 3RD RESPONDENT.**
- EXT.P-5: TRUE COPY OF THE LETTER BY THE 2ND RESPONDENT INVITING THE PETITIONER FOR PRESENTATION OF THE PROPOSAL BEFORE THE 3RD RESPONDENT.**
- EXT.P-6: TRUE COPY OF THE MINUTES OF THE 25TH MEETING DATED 14TH AND 15TH FEBRUARY, 2014 OF THE 3RD RESPONDENT.**
- EXT.P-7: TRUE COPY OF THE REPORT OF FIELD VISIT AS SUBMITTED BY THE 3RD RESPONDENT.**
- EXT.P-8: TRUE COPY OF THE REVISED DOCUMENTS AND DETAILS SUBMITTED BY THE PETITIONER ON 25.09.2014.**
- EXT.P-9: TRUE COPY OF THE JUDGEMENT DATED 10.04.2015 OF THIS HON'BLE COURT IN W.P(C).NO.12077/2015.**
- EXT.P-10: TRUE COPY OF THE DRAFT NOTIFICATION DATED 10.03.2014, ISSUED BY MINISTRY OF ENVIRONMENT AND FOREST.**

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**EXT.P-11: TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE
OFFICER, ARUVAPPULAM VILLAGE, DATED 21.10.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.ATO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36768 of 2015

Dated this the 11th day of December, 2015

JUDGMENT

The petitioner applied for environment clearance. The area where the petitioner proposed to mine is comprised in survey No.540/1 of Aruvapuram Village, Kozhencherry Taluk, Pathanamthitta District was originally included in the ESA notification based on Kasthoori Rangan Committee Report. The petitioner submits that this has been subsequently modified based on the subsequent Oommen V. Oommen Committee Report and therefore, there is no impediment in considering the application for environment clearance.

In the light of the above, there shall be a direction to the second respondent to take a decision within one month after obtaining a report from the fourth respondent regarding inclusion or exclusion of area from ESA. The fourth respondent is also directed to give necessary report in this regard.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE