

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 38197 of 2015 (Y)

PETITIONER :

**S. SHAJI, AGED 49 YEARS, S/O.SOMANATHAN,
THEKKUVILA MELATHIL VEEDU, KUDAVATTOOR(PO),
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 SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE QUARRYING PERMIT ISSUED BY THE THIRD RESPONDENT ON 24/06/2015 VALID UPTO 23/10/2015.**
- P2 COPY OF THE CHALLAN DATED 24/06/2015 EVIDENCING PAYMENT OF RS.6 LAKHS TOWARDS PAYMENT OF ROYALTY FOR MINING BUILDING STONES.**
- P3 COPY FO THE D&O LICENCE DATED 16/06/2015 ISSUED BY CHADAYAMANGALAM GRAMA PANCHAYAT FOR MINING BUILDING STONES**
- P4 COPY OF THE CONSENT TO OPERATE THE QUARRY ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD IN THE AFORESAID PROPERTY ON 10/02/2012 VALID UPTO 31/12/2014**
- P5 COPY OF THE CONSENT TO OPERATE THE QUARRY OF THE PETITIONER BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 11/09/2015 VALID UPTO 08/01/2015**
- P6 COPY OF THE RECEIPT EVIDENCING ACCEPTANCE OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 30/01/2015**
- P7 COPY OF THE RECEIPT DATED 22/06/2015 EVIDENCING PAYMENT OF RS.1 LAKH TOWARDS PROCESSING FEE ISSUED BY THE SEIAA TO THE PETITIONER.**
- P8 COPY OF THE NOTICE DATED 31/10/2015 ISSUED BY THE SEIAA TO THE PETITIONER.**
- P9 COPY OF THE ORDER DATED 17/11/2015 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.**
- P10 COPY FO THE JUDGMENT PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WP(C).N.35106/2015 DATED 2/12/2015**
- P11 COPY OF THE INTERIM ORDER DATED 7/12/2015 PASSED BY THE HON'BLE APEX COURT IN SLP(C) NO.33130/2015.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 38197 of 2015

Dated this the 16th day of December, 2015

J U D G M E N T

The petitioner is the holder of quarrying permit. The petitioner submits that in the light Ext.P11 order of the Hon'ble Supreme Court, he is entitled for renewal or quarrying permit without environmental clearance.

2. This Court is of the view that the Geologist shall verify whether the petitioner had valid permit as on 9.1.2015. If he had a valid permit as on 9.1.2015, in the light of Ext.P11 order of the Hon'ble Supreme Court, the quarrying permit of the petitioner shall be renewed within a period of two weeks from the date of receipt of a copy of this judgment. However, it is made clear that, this will be subject to further orders of the Hon'ble Supreme Court.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/