

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C) .No. 38991 of 2015 (Y)

PETITIONER(S) :

SUDHEESH A.T.,
AGED 30 YEARS, S/O.THANKACHAN,
ADAKKATHOTTATHIL HOUSE, RATTAKUNDU,
KUMBLERY P.O., WAYANAD DISTRICT.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.N.SHAMSUL HUDA

RESPONDENT(S) :

1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF ENVIRONMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. KERALA STATE BIODIVERSITY BOARD,
L 14, JAI NAGAR, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM - 695 011,
REPRESENTED BY ITS MEMBER SECRETARY.
3. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, WAYANAD JASAM COMPLEX, PINANGODE ROAD,
KALPETTA, WAYANAD DISTRICT, PIN - 673 121,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER.
4. GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE,
MEENANGADI, WAYANAD DISTRICT, PIN - 673 591.
5. VILLAGE OFFICER,
ACHOORANAM VILLAGE, VYTHIRI TALUK, WAYANAD DISTRICT,
PIN 673 575.

R3 BY ADV. SRI.B.PRASANTH, SC, POLUTION CONTROL BOARD
BY GOVERNMENT PLEADER SMT.C.K.SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, ALONG WITH WPC NO.39280/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1: TRUE COPY OF THE JUDGMENT DATED 07.04.2015 IN WPC.NO.29371/2014 OF THIS HON'BLE COURT.
- EXT. P2: TRUE COPY OF THE ORDER DATED 19.05.2015 ISSUED BY THE 4TH RESPONDENT.
- EXT. P3: TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE RENEWAL ORDER DATED 20.05.2015 ISSUED BY THE 3RD RESPONDENT.
- EXT. P4: TRUE COPY OF THE LICENSE DATED 19.09.2015 VALID UP TO 31.03.2016 ISSUED BY POZHUTHANA GRAMA PANCHAYATH.
- EXT. P4 A:TRUE COPY OF THE LETTER DATED 10.09.2015 ISSUED BY THE 3RD RESPONDENT.
- EXT. P5: TRUE COPY OF THE LETTER DATED 06.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT. P5 A:TRUE COPY OF THE LIST OF PROPERTIES COMPRISED IN ESA OF ACHOORANAM VILLAGE.
- EXT. P6: TRUE COPY OF THE ORDER DATED 06.10.2015 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

ivs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 38991 of 2015

&

W.P.(C).No. 39280 of 2015

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Dated this the 22nd day of December, 2015

J U D G M E N T

These writ petitions are filed challenging Ext.P6 order of the Pollution Control Board cancelling and refusing to issue consent citing that area referred in the quarrying permission would fall within the ESA. The petitioners' case is that these area would not fall within the ESA.

2. This Court is of the view that the Environmental Engineer shall verify claim of the petitioners from the Tahsildar concerned of competent jurisdiction and if it is found that the area is not forming part of ESA, necessarily, consent shall be issued and cancelled consent shall be restored. Needful shall be done within one month from the date of receipt of the copy of this judgment. Till a decision is taken in this regard no coercive steps shall be taken against the petitioners for want of consent.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

