

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 1ST DAY OF OCTOBER 2014/9TH ASWINA, 1936

WP(C) .No. 21524 of 2014 (M)

PETITIONER:

K.P.JOY AGED 56 YEARS
S/O.LATE K.P.POULO, MANAGING DIRECTOR
M/S.A-ONE SANDS PVT. LTD., ANNANAGAR, CHAMMANAMPATHY
GOVINDAPURAM.P.O., CHITTUR TALUK
PALAKKAD DISTRICT-678 507.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH

RESPONDENTS:

1. GEOLOGIST
MINING AND GEOLOGY DEPARTMENT
TOWN BUS STAND COMPLEX, PALAKKAD-678 001.

2. MUTHALAMADA GRAMA PANCHAYAT
MUTHALAMADA.P.O., PALAKKAD DISTRICT, PIN-678 507
REPRESENTED BY ITS SECRETARY.

3. KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, NEAR DISTRICT PANCHAYAT OFFICE
PALAKKAD-678 001
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER.

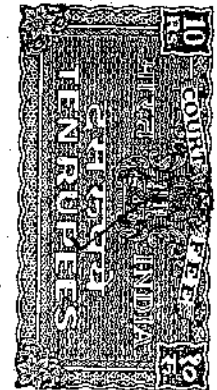
4. UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF ENVIRONMENT AND FOREST
PARIYAVARAN BHAVAN, CGO COMPLEX, LODHI ROAD
NEW DELHI, PIN-110 003.

5. GOVERNMENT OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

6. KERALA STATE BIODIVERSITY BOARD
L-14, JAI NAGAR, MEDICAL COLLEGE.P.O.
THIRUVANANTHAPURAM-695 011
REPRESENTED BY ITS MEMBER SECRETARY.

R4 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY ADV. SRI.MURALI PURUSHOTHAMAN
R2 BY ADV. SRI.DEEPU LAL MOHAN
R BY GOVERNMENT PLEADER:SRI MUHAMMED SHAFI M
R BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-10-2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



A.MUHAMED MUSTAQUE, J.

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W.P(C).No.21524 of 2014 M
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Dated this the 01st day of October, 2014

JUDGMENT

This Writ Petition is filed for renewing quarrying permit. Exts.P7, P9 and P10 are the permits.

2. Petitioner submitted Exts.P32, P32(a), P32(b) and P32(c), applications for renewal of quarrying permits before the Geologist. These applications were not considered for two reasons. The first reason is on account of the order passed by the National Green Tribunal in O.A.No.171 of 2013 and another one is that this property is covered by notification issued by the Ministry of Environment and Forests.

3. Petitioner submits that based on the notification, Government of Kerala constituted a Biodiversity Board and they have prepared a sketch and as per that, the property of the petitioner does not fall within the ambit of Ecologically Sensitive Area. According to the petitioner, there is no embargo in considering the applications for renewal in accordance with law.

4. This Court already held that the order passed by the National Green Tribunal in O.A.No.171 of 2013 is in respect of river sand mining and not in respect of the quarrying permit. In view of

the above, there can't be any objection on the basis of the order passed in O.A.No.171 of 2013. Petitioner's case is that this property will not fall under the Ecologically Sensitive Area. Petitioner relies on Ext.P36 sketch of the Biodiversity Board. Therefore an enquiry shall be conducted by the Geologist in consultation with any other authority regarding whether this property is fall within the ambit of Ecologically Sensitive Area. If the property will not fall in the Ecologically Sensitive Area, necessarily renewal shall be granted in accordance with law by satisfying with other conditions for quarrying permits and without insisting environmental clearance. Needful shall be done within a period of four weeks from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

Sbna/07/10/14