

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 24TH DAY OF SEPTEMBER 2014/2ND ASWINA, 1936

WP(C).No. 24729 of 2014 (M)

PETITIONER :

NITHIN K JAMES,  
S/O.JAMES, KANNANTHOTTIMALIYIL HOUSE,  
PERTUMBAIKKADU P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.JOSE DAVIS

RESPONDENTS :

1. THE STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY, INDUSTRIES DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN-695001.
2. THE DIRECTOR OF STATE ENVIRONMENTAL IMPACT ASSESSMENT  
AUTHORITY, SECRETARIAT OF STATE ENVIRONMENTAL IMPACT  
ASSESSMENT AUTHORITY, PALLIMUKKU, PETTA P.O.,  
THIRUVANANTHAPURAM PIN-695024.
3. KALLOORKADU GRAMA PANCHAYATH,  
KALLOORKADU P.O., ERNAKULAM DISTRICT, PIN-686668  
REPRESENTED BY THE SECRETARY.

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 24-09-2014, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

bp

A. MUHAMED MUSTAQUE, J.

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W.P. (C) No. 24729 of 2014  
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Dated this the 24<sup>th</sup> day of September, 2014

J U D G M E N T

Petitioner is the holder of a quarrying permit. He has approached this Court aggrieved by Ext.P1 wherein it is stated that he is operating quarry without obtaining environmental clearance and the operation should be stopped. In Ext.P1 the local authority has also been directed to take action against the petitioner.

2. In view of the fact that the petitioner has been issued with a quarrying permit he is entitled to operate the quarry on the strength of the said permit till validity of the period mentioned therein except for violation of the conditions of the quarrying permit, operation of the quarry cannot be interdicted. This Court, of course, in several writ petitions stayed the orders issued by the Government in compliance with the order passed by the National Green Tribunal revoking the quarrying permits for want of environmental clearance. Therein, this Court was of the view that the order passed by the National Green Tribunal did not pertain to quarrying. In view of the above, the directions in Ext.P1 are set aside. The writ petition is disposed of as above. No costs.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE