

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

TUESDAY, THE 31ST DAY OF JANUARY 2012/11TH MAGHA,1933

WPC.No. 1813 of 2011 (B)

PETITIONER(S) :

1. REJI ABRAHAM,
S/O.ABRAHAM NINAN, AGED, PAZHAYA PURACKAL HOUSE
ANJIRI P.O., PALAPPILLY, IDUKKI-685 585.
2. A.M.MATHEW, S/O.VARGHESE MATHEW,
AAKKAPPADIKKAL HOUSE, ANJIRI P.O., THODUPUZHA
IDUKKI-685 585.
3. MATHEW JOSEPH, S/O.JOSEPH MATHAI,
CHEMBLANGHAL HOUSE, ANJIRI P.O., THODUPUZHA
IDUKKI-685 585.
4. JOSE CHERIAN, S/O.CHERIAN,
VALLOPPILLIL HOUSE, ANJIRI P.O., PALAPPILLY
THODUPUZHA, IDUKKI-685 585.
5. TOMY MATHEW, S/O.MATHEW,
KIZHAKKEDATH HOUSE, ANJIRI P.O., PALAPPILLY
THODUPUZHA, IDUKKI-685 585.
6. JOHNSON PANAMKATTU, S/O.JOHN,
PANAMKATTU, ANJIRI P.O., THODUPUZHA
IDUKKI-685 585.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.DIPU JAMES
SMT.K.V.RAMYA
SRI.ARUN ALEX

RESPONDENT(S) :

1. STATE OF KERALA, REP. BY ITS
SECRETARY, DEPARTMENT OF MINING & GEOLOGY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-01.
2. THE DISTRICT COLLECTOR,
CIVIL STATION, KUYILIMALA, IDUKKI-685 603.

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3. THE TAHSILDAR,
THODUPUZHA TALUK, MINI CIVIL STATION
THODUPUZHA-685 584.
4. THE GEOLOGIST, DEPARTMENT OF MINING &
GEOLOGY, DISTRICT OFFICE, MINI CIVIL STATION
THODUPUZHA-685 584.
5. THE KERALA STATE POLLUTION CONTROL
BOARD, DISTRICT OFFICE, IDUKKI-685 603.
6. THE VILLAGE OFFICER,
ALAKODE VILLAGE, THODUPUZHA
IDUKKI DISTRICT-685 584.
7. THE DEPUTY CHIEF CONTROLLER OF
EXPLOSIVES, GOVERNMENT OF INDIA
PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION
(PESO), KENDRIYA BHAVAN, BLOCK NO.C-2
3RD FLOOR, CSEZ, K9AKKANAD
KOCHI-37.
8. ALAKKODE GRAMA PANCHAYATH REPRESENTED
BY ITS SECRETARY, ALAKKODE, IDUKKI DISTRICT-685 588.
9. JOSE VARGHESE, S/O.VARGHESE,
PUTHENKANDATHIL, KALAYANTHANI P.O., ALAKKODE
THODUPUZHA-685 588.
10. PATHROSE, S/O.PAILY,
CHERTHALACKAL HOUSE, ALAKODE VILLAGE, ALAKODE P.O.
THODUPUZHA-685 588.

R1 TO R4 & R6 BY SRI.V.K.RAFEEL, GOVERNMENT PLEADER
R5 BY SRI.M.K.CHANDRAMOHAN DAS,SC,POLL.C.BOAR

R7 BY SRI.T.P.M.IBRAHIM KHAN,ASST.S.G OF INDIA
SMT.K.V.RASHMI, CGC

R8 BY SRI.T.J.MICHAEL
R9 & R10 BY SRI.JOICE GEORGE,

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-01-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKM

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APPENDIX

PETITIONER'S EXHIBITS :

- P1 : COPY OF REPRESENTATION DATED 23.09.2010.
- P2 : COPY OF REPORT BY 8TH RESPONDENT DATED NIL.
- P3 : COPY OF THE NOC DATED 16.11.2009.
- P4 : COPY OF THE QUARRYING PERMIT DATED 17.12.2009.
- P5 : COPY OF THE LETTER DATED 02.11.2010.

RESPONDENT'S EXHIBITS :

- R10(a) : COPY OF THE REPORT DATED 27.07.2009 OF THE 6TH RESPONDENT VILLAGE OFFICER.
- R10(b) : COPY OF THE COMMUNICATION DATED 04.08.2005 ISSUED BY THE 3RD RESPONDENT TAHSILDAR, THODUPUZHA TO THE 1ST PETITIONER.
- R10(c) : COPY OF THE AGREEMENT DATED 26.11.2009 ENTERED INTO BETWEEN 10TH RESPONDENT AND 9TH RESPONDENT.
- R10(d) : COPY OF THE LICENSE NO.E/SC/KL/22/794(E)36867 DATED 29.07.2010 ISSUED TO THE PETITIONER BY THE 7TH RESPONDENT.
- R10(e) : COPY OF THE FILE NO.PCB/IDK/C70/45/2010 DATED 16.04.2010 ISSUED TO THE 9TH RESPONDENT BY THE POLLUTION CONTROL BOARD.
- R10(f) : COPY OF THE COMMUNICATION DATED 28.02.2011 ISSUED BY THE 7TH RESPONDENT TO THE 9TH RESPONDENT.
- R10(g) : TRUE COPY OF THE REPORT DATED 04.03.2011 SUBMITTED BY THE TAHSILDAR TO THE DISTRICT COLLECTOR.
- R10(h) : COPY OF THE COMMUNICATION NO.E2-10160/2011 DATED 11.03.2011 ISSUED BY THE ADDL.DISTRICT MAGISTRATE, IDUKKI TO THE 6TH PETITIONER.

/TRUE COPY/

PA TO JUDGE

RKM

C.K.ABDUL REHIM, J

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W.P.C.NO.1813/2011

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Dated this the 31st Day of January 2012

JUDGMENT

Relief sought for in this writ petition is for a writ of mandamus directing the respondents 1 to 6 and 8 to restrain from issuing any quarrying permit to the 9th respondent, for conduct of quarrying operations in the property comprised in Sy.No.395/51 of Alakode Village in Thodupuzha Taluk of Idukki District. Inter alia, the petitioners are also seeking to quash Ext.P2 report submitted by the Secretary of the 8th respondent Panchayath.

2. It is evident that the petitioners are objecting grant of license to the 9th respondent. It is pertinent to note that the 8th respondent Panchayath has not taken any decision on the application submitted by the 9th respondent for granting

license for quarrying. If the petitioners have got any objection regarding granting of license, it is for them to approach the 8th respondent, pointing out such objections. It is submitted that petitioners have already submitted Ext.P1 before the Panchayath. It is for the Panchayath to take a decision on the matter, after taking note of the objections raised by the petitioners. If the decision of the Panchayath is against interest of the petitioners, they have got effective remedy as provided under the statute.

3. Under the above mentioned circumstances, I am of the view that no relief need be granted in this writ petition. The 8th respondent is directed to consider the objections raised by the petitioners before taking any decision on the application if any submitted by the 9th respondent, and to take note of documents if any submitted in support of such objections.

4. The writ petition is disposed of, subject to the above observations.

Sd/-
C.K.ABDUL REHIM
JUDGE

/TRUE COPY/

PA TO JUDGE

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