

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF OCTOBER 2018 / 9TH KARTHIKA, 1940

WP(C).No. 35154 of 2018

PETITIONER/S:

- 1 JOHN MATHEW
 AGED 48 YEARS
 S/O M.THANKACHAN, KOLLIRETHU, ELICODE, NIRATHUPARA
 P.O., KODAL, PATHANAMTHITTA DISTRICT
 - 2 OMANA
 AGED 52 YEARS
 S/O. RAMACHANDRAN, KALLOPPARAMBIL, NIRATHUPARA P.O.,
 KODAL, PATHANAMTHITTA DISTRICT
 - 3 SIMON E.
 AGED 51 YEARS
 S/O. EAPEN, IRADA VADAKKETHIL, NIRATHUPARA P.O.,
 KODAL, PATHANAMTHITTA DISTRICT
 - 4 E.S. BABU
 AGED 57 YEARS
 S/O. SAMUEL, INCHIKALAYIL, NIRATHUPARA P.O., KODAL,
 PATHANAMTHITTA DISTRICT
- BY ADVS.
 SRI.RAJAN VISHNURAJ
 SRI.V.HARISH

RESPONDENT/S:

- 1 STATE OF KERALA
 REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
 ENVIRONMENT, SECRETARIAT, THIRUVANANTHAPURAM- 695001
- 2 DISTRICT COLLECTOR
 PATHANAMTHITTA DISTRICT, CIVIL STATION,
 PATHANAMTHITTA - 689 645

3 ADANI VIZHINJAM PORT PRIVATE LIMITED
 2ND FLOOR, VIPANCHIKA TOWER, THYCAUD,
 THIRUVANANTHAPURAM -695 014 REPRESENTED BY ITS
 MANAGING DIRECTOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.10.2018, ALONG WITH WP(C).35243/2018, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed by the petitioners seeking the following reliefs:

- "I) Declare that the 2nd respondent has to take an independent decision on Ext.P1 application despite Ext.P4 directions.*
- ii) Issue a writ of mandamus or any other appropriate writ directing the 2nd respondent to consider and pass appropriate orders on Ext.P5 representation, after affording an opportunity of being heard to the petitioners herein or their legal representatives.*
- Iii) Pass such any other order, direction or reliefs as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience,"*

2. Today when the matter is taken up, learned Counsel for the petitioner submitted that the first relief sought for in the writ petition is not pressed and the petitioner is pressing for the second relief for consideration of Ext.P5 representation along with the application for NOC submitted by the 3rd respondent.

3. Having regard to the facts and circumstances of the case and hearing learned Counsel for the petitioner and the learned Government Pleader, there will be a direction to the 2nd respondent to consider Ext.P5 representation submitted by

the petitioners along with the application for NOC submitted by the 3rd respondent and attain finality at the earliest. I make it clear that the questions of facts and law raised in this writ petition are left open.

This writ petition is disposed of accordingly.

Sd/

SHAJI P. CHALY

JUDGE

Jm/

PETITIONER'S/S EXHIBITS:

- | | |
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| EXHIBIT P1 | A TRUE PHOTOCOPY OF THE APPLICATION
PREFERRED BY THE 3RD RESPONDENT BEFORE THE
2ND RESPONDENT. |
| EXHIBIT P2 | A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF
THE 128TH MEETING OF THE EAC HELD ON 20-
23.11.2013. |
| EXHIBIT P3 | A TRUE PHOTOCOPY OF THE ENVIRONMENTAL
CLEARANCE DATED 03.01.2014 ISSUED BY THE
MOEF & CC. |
| EXHIBIT P4 | A TRUE PHOTOCOPY OF LETTER DATED 05.07.2018
ALONG WITH THE ANNEXURES ISSUED BY THE
OFFICE OF THE 1ST RESPONDENT TO THE 2ND
RESPONDENT. |
| EXHIBIT P5 | A TRUE PHOTOCOPY OF THE REPRESENTATION DATED
10.10.2018. |
| EXHIBIT P6 | A TRUE PHOTOCOPY OF THE RECEIPT OF
ACKNOWLEDGMENT RECEIVED FROM THE OFFICE OF
THE 2ND RESPONDENT. |