

E.V.John Vs. State of Kerala

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Court : Kerala

Decided On : Feb-21-2014

Judge : Honourable Mr. Justice a.V.Ramakrishna Pillai

Appellant : E.V.John

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI FRIDAY, THE 21ST DAY OF FEBRUARY 2014 2ND PHALGUNA, 1935 WP(C).No. 34383 of 2011 (U)

----- PETITIONER: ----- E.V.JOHN,
S/O.CHACKO VARGHESE, EETIMOOTTIL HOUSE, VETTOOR,
MALAYALAPUZHA, PATHANAMTHITTA. BY ADV. SRI.V.PHILIP MATHEW
RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, DEPARTMENT OF REVENUE, KERALA GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. THE DISTRICT COLLECTOR, PATHANAMTHITTA-689 645.

3. THE R.D.O ADOOR P.O., PATHANAMTHITTA-689 641.

4. THE TAHSILDHAR, KOZHENCHERRY, PATHANAMTHITTA DISTRICT-689 645.

5. THE VILLAGE OFFICER, KONNI THAZHAM, KONNI P.O., PATHANAMTHITTA DT-689 691.
 6. THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, PATHANAMTHITTA REPRESENTED BY ITS ENVIRONMENTAL, ENGINEER, PIN-689 645.
 7. THE GEOLOGIST, GEOLOGY DISTRICT OFFICE, ADOOR P.O., PATHANAMTHITTA-689 641.
 8. KONNI GRAMA PANCHAYAT, PACHAYAT OFFICE, KONNI, PATHAMAMTHITTA DISTRICT, REPRESENTED BY ITS SECRETARY-689 691.
 9. THE SECRETARY, KONNI GRAMA PANCHAYAT, PANCHAYAT OFFICE, KONNI, PATHANAMTHITTA DISTRICT-689 691. Msd. WP(C).No. 34383 of 2011 (U) -----
 10. K.SOMAN, JATHAKAKUZHIYIL HOUSE, ATTACHAKKAL P.O., KONNI, PATHANAMTHITTA-689 691.
 11. VIJAYAN, JATHAKAKUZHIYIL HOUSE, ATTACHAKKAL P.O., KONNI, PATHANAMTHITTA-689 691.
 12. THE SUPERINTENDENT OF POLICE, PATHANAMTHITTA-689 645.
 13. THE SUB INSPECTOR OF POLICE, KONNI, KONNI P.O., PATHANAMTHITTA-689 691. R1 TO R5, R7, R12 & R13 BY GOVERNMENT PLEADER SRI.R.RANJITH R6 BY SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD R8 TO R9 BY ADVS. SRI.SIBY MATHEW SRI.PHILIP J.VETTICKATTU SRI.B.PREMNATH (E) R10 & R11 BY ADV. SRI.VINOY VARGHESE KALLUMOOTILL THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON2102-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Msd. WP(C).No. 34383 of 2011 (U) -----
- APPENDIX ----- PETITIONER(S)
- EXHIBITS: ----- EXHIBIT P1: A COPY OF THE ORDER

NO.A2-5427/10 DATED0407.2011 ISSUED BY THE9H RESPONDENT TO THE10H RESPONDENT. EXHIBIT P2: A COPY OF THE

ORDER

NO.A2-5427/10 DATED2710.2011 ISSUED BY THE9H RESPONDENT TO THE11H RESPONDENT. EXHIBIT P3: A COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE2D RESPONDENT. EXHIBIT P4: A COPY OF THE MASS PETITION SUBMITTED BEFORE THE CHIEF MINISTER OF KERALA BY THE PETITIONER AND OTHERS. EXHIBIT P5: A COPY OF THE RECEIPT DATED2811.2011 ISSUED BY THE5H RESPONDENT. RESPONDENT(S)' EXHIBITS: ----- EXHIBIT R8(A): TRUE COPY OF LETTER DATED2611.2011 ISSUED BY THIS RESPONDENT TO THE PETITIONER. //TRUE COPY// P.A.TO JUDGE. Msd. A.V. RAMAKRISHNA PILLAI, J.

----- W.P.(C) No. 34383 of 2011
----- Dated this the 21st day of February, 2014

JUDGMENT

The petitioner has come up before this Court alleging that even after receiving Exts.P1 and P2 prohibitory orders from the 9th respondent Panchayat, respondents 10 and 11 are conducting quarrying operations in the properties situated in Survey Nos.125/1 2 and 128/1-126 of Konnithazham Village, Kozhencherry Taluk, Pathanamthitta District.

2. According to the petitioner, respondents 10 and 11 are carrying out quarry operations very close to the petitioner's house without obtaining any licence from the competent authorities using jack hammers and other mechanical devices. The petitioner's grievance is that the said respondents have not obtained any licence from the 8th respondent under the Panchayat Raj (Issue of Licence to Dangerous and W.P.(C) No. 34383 of 2011 ..2.. Offensive Trades and Factories) Rules, 1996. His further case is that though the 9th respondent has issued Exts.P1 and P2 prohibitory orders asking them to stop quarrying operations, the quarrying operations are continued in its full swing.

3. Today, when the matter came up for hearing, the learned counsel for respondents 10 and 11 submitted that at present they are not conducting any quarrying work.

4. In the counter filed by the respondent Panchayat, they have stated that the Panchayat has not issued any licence permitting respondents 10 and 11 to conduct quarrying operations. In the light of the above, this writ petition is disposed of directing the respondent Panchayat (respondent nos. 8 & 9) to ensure that no quarrying operations are conducted by respondents 10 and 11 without obtaining requisite licence from the competent W.P.(C) No. 34383 of 2011 ..3.. authorities under law. If the respondent Panchayat finds it difficult to enforce any orders passed by them, it shall be open to them to seek the aid of Police in the matter.
Sd/- A.V. RAMAKRISHNA PILLAI, JUDGE bka/-

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