

Ramakrishnan vs State Environment Impact Assessment Authority (Seiaa)

Ramakrishnan vs State Environment Impact Assessment Authority (Seiaa)

SooperKanoon Citation : sooperkanoon.com/1277441

Court : Kerala

Decided On : Mar-28-2025

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/4276/2025

Appellant : Ramakrishnan

Respondent : State Environment Impact Assessment Authority (Seiaa)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947 PETITIONERS: 1 RAMAKRISHNAN AGED 57 YEARS S/O VELAYUDHAN, KOLLANAMPATTAYIL HOUSE, KUDALLUR POST, PATTAMBI TALUK, PALAKKAD DISTRICT, PIN - 679554. 2 FASEELA SHIHAB AGED 31 YEARS W/O SHIHABUDEEN, EDAPPARAMBIL HOUSE, KUDALLUR POST, PATTAMBI TALUK, PALAKKAD DISTRICT, PIN - 679554. 3 PRIYA AGED 41 YEARS D/O KORAN, MANGOTHPADI, KUDALLUR POST, PATTAMBI TALUK, PALAKKAD DISTRICT, PIN - 679554. 4 JAFAR P.P AGED 42 YEARS S/O KUNJUMHAMMED, PULIKKAPARAMBIL HOUSE, KUDALLUR POST, PATTAMBI TALUK,

PALAKKAD DISTRICT, PIN - 679554.

5 SUBRAMANIAN AGED 48 YEARS S/O THAMI, CHERATH CHOLAYIL HOUSE, KUDALLUR POST, 6 E.P MOIDHEEN AGED 62 YEARS S/O MAMMY, EDAPPARAMBIL HOUSE, KUDALLUR POST, 7 SUBAIDHA AGED 59 YEARS W/O MOIDHEEN, EDAPPARAMBIL HOUSE, KUDALLUR POST, 8 RAFEEKH AGED 39 YEARS S/O MOIDHEEN KUTTI, PUTHAN PEEDIKAYIL HOUSE, KUDALLUR POST, PATTAMBI TALUK, PALAKKAD DISTRICT, PIN - 679554. 9 NAJEEBA FARAHATH AGED 27 YEARS W/O NISHAD, VELLICHAKULANGARA HOUSE, KUDALLUR POST, 10 T.V MAMMUNNI AGED 72 YEARS S/O MUHAMMAD, THEKKEVALAPPIL, KUDALLUR POST, 11 SREEJITH.C.C AGED 34 YEARS S/O VELAYUDHAN, CHERATH CHOLAYIL, KUDALLUR POST, BY ADVS. JOHNSON GOMEZ SANJAY JOHNSON JOHN GOMEZ ARUN JOHNY SANJITH JOHNSON DEEBU R. ABIN JACOB MATHEW DIVYA S. RESPONDENTS: 1 STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) REPRESENTED BY ITS SECRETARY, 4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001. 2 THE DISTRICT GEOLOGIST DEPARTMENT OF MINING & GEOLOGY DISTRICT OFFICE, PALAKKAD, PIN - 678001. 3 THE KERALA STATE POLLUTION CONTROL BOARD REPRESENTED BY ITS CHAIRMAN, THIRUVANANTHAPURAM, PIN - 695004. 4 THE DISTRICT COLLECTOR, PALAKKAD COLLECTORATE, PALAKKAD DISTRICT, PIN - 678001. 5 THE SECRETARY AANAKKARA GRAMA PANCHAYATH, AANAKKARA P.O, PALAKKAD, PIN - 679551. 6 FARIS KILIYAMANNIL KILIYAMANNIL HOUSE, SOUTH PANG P.O, MALAPPURAM, PIN - 679338. BY ADVS. RAFIQ P.M. T.P.SAJID K.P.MOHAMED SHAFI(M-754) SHIFA LATHEEF(K/1347/2016) MUHAMMED HAROON A.N.(K/001039/2022) SREESHMA B. CHANDRAN(K/000678/2016) HASHARURAHIMAN U.(K/1137/2021) MOHEMED FAVAS(K/001375/2021) SRI.M.P.SREEKRISHNAN, SC, STATE

ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) AND THE STATE EXPERT APPRAISAL COMMITTEE (SEAC). SRI. T. NAVEEN, SC, KERALA STATE POLLUTION CONTROL BOARD. SMT. DEVISHREE, GP. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R. RAVI, J.

----- W.P.(C) No.4276 of 2025
----- Dated this the 28th day of March, 2025

JUDGMENT

The grievance of the petitioners is regarding the quarrying activity carried out by the 6th respondent. According to the petitioners, the quarrying activity is not in accordance with law. When the case is taken up today, it is submitted that the quarrying permit issued to the 6th respondent has already expired. Any quarrying can be done only after renewal of the permit, if such a renewal is sought for by the 6th respondent.

2. The Standing Counsel for the 1st respondent

submitted that an inspection is scheduled to be held during the second week of April. In the above circumstances, no further orders are required in this writ petition. The writ petition is closed without prejudice to the right of the petitioners to move again if there is any violation. Sd/- T.R.RAVI JUDGE mpm APPENDIX OF WP(C) 4276/2025 PETITIONERS EXHIBITS Exhibit P1 A TRUE COPY OF THE ENVIRONMENTAL

CLEARANCE (EC) ISSUED BY RESPONDENT NO.1 TO RESPONDENT NO.6 AS FILE NO. 1944/EC1/SEIAA/2022, DATED 03/03/2023. Exhibit P2 A TRUE COPY OF THE ORDER NO. 04/2023- 24/LBS/DOPAL-DMG/280/2024-M DATED NO.2. Exhibit P3 TRUE PHOTOGRAPHS OF THE QUARRY. Exhibit P4 TRUE COPY OF THE VIDEO SHOWING THE QUARRY AND RELATED WORKS IN

THE QUARRY.

Exhibit P5 A TRUE COPY OF THE DISCHARGE SUMMARY

ISSUED BY ASTER MIMS KOZHIKODE OF PETITIONER NO.4 DATED 11/09/2020. Exhibit P6 A TRUE COPY OF AD- INTERIM ORDER IN WP(C) NO.2218/2025 DATED 14/01/2025. Exhibit P7 A TRUE COPY OF THE COMPLAINT MADE BY THE RESIDENTS NEAR BY THE AFORESAID QUARRY INCLUDING THE PETITIONERS IS DATED Exhibit P8 A TRUE COPY OF THE COMPLAINT MADE BY THE PETITIONER NO.2 REPRESENTING PETITIONERS DATED 27/01/2025 BEFORE RESPONDENT NO.1,2, & 3. Exhibit P9 TRUE PHOTOGRAPH OF THE NEWS REPORT PUBLISHED IN MATHRUBHUMI NEWSPAPER DATED Exhibit P10 A TRUE COPY OF THE SURVEY SKETCH DRAWN BY A REGISTERED SURVEYOR DATED RESPONDENTS EXHIBITS Exhibit R6(a) TRUE COPY OF THE ENVIRONMENT CLEARANCE

BEARING NO. 48/L/2023 DATED 3/3/2023 ISSUED BY STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA).

Exhibit R6(b) TRUE COPY OF THE PERMIT FOR EXTRACTION OF LATERITE BUILDING STONE IN FORM M DATED 27/3/2024. Exhibit R6(c) TRUE COPY OF THE E-CHALLAN DATED RS.32,820/-. Exhibit R6(d) TRUE COPY OF THE CHALLAN DATED 20/3/2024 EVIDENCING THE PAYMENT OF RS.6,525/- TOWARDS TDS BEFORE THE INCOME TAX DEPARTMENT. Exhibit R6(e) TRUE COPY OF THE BANK GUARANTEE ALONG WITH THE RECEIPT OF THE BANK DATED LTD., MALAPPURAM TO THE PETITIONER. Exhibit R6(f) TRUE COPY OF THE JUDGMENT DATED IN W.P.(C). NO. 35822/2024. Exhibit R6(g) TRUE COPY OF THE ELECTRONIC MINERAL TRANSIT PASS ISSUED. Exhibit R6(h) TRUE COPY OF THE INTERIM ORDER DATED IN W.P.(C). NO. 2218/2025. EXHIBIT R6(i) TRUE COPY OF THE SURVEY PLAN DATED AANAKKARA.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com