

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

FRIDAY, THE 08TH DAY OF MAY, 2020/18TH VAISAKHA, 1942

W.P(C) NO.9764 OF 2020

PETITIONER

ABDURAHIMAN KARATTUCHALI,
S/O.KUNHAMUTTY HAJI,
AGED 60 YEARS,
PANTHALLANCHERY HOUSE,
OZHUKOOR P.O.,
MORAYOOR, MALAPPURAM DISTRICT.

BY ADV.SRI. BABU S. NAIR

RESPONDENTS

1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, MANJERI,
MALAPPURAM DISTRICT, PIN - 676 121
2. THE SOIL CONSERVATION OFFICER,
DISTRICT SOIL CONSERVATION OFFICE,
MANJERI, MALAPPURAM DISTRICT, PIN - 676 121

R2-3 BY SRI.K.P.HARISH GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION
ON 08.05.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

GOPINATH.P, J

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WP(C) NO. 9764 OF 2020

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DATED THIS THE 8th DAY OF May, 2020

O R D E R

Admit.

Learned Government Pleader takes notice for the respondents. The impugned order, Ext.P9 has been issued on the basis that there is a possibility of land slide in the area in question if the mining activity is continued. It is also stated in Ext.P9 that the situation at the time of granting environmental clearance and at the time when the District Collector filed his earlier report before the Division Bench of this Court is completely different from the situation noticed at the time of inspection on 12.12.2019. Sri. Babu S. Nair, learned counsel appearing for the petitioner would vehemently urge that there is absolutely no possibility of any land slide and that the observation to that effect in Ext.P9 order is completely misplaced. He would state that the appropriate authority to consider the question of whether there is

possibility of any land slide on account of mining operation is the 2nd respondent, the Soil Conservation Officer. I have heard the learned Government Pleader also. The learned Government Pleader would support the findings in Ext.P9 and state that the order is appealable. In the totality of the facts and circumstances of the case, I deem it appropriate to direct the 2nd respondent to cause an inspection of the area in question together with the 1st respondent and file a report before this Court within a period of 3 weeks from the date of receipt of a copy of this order.

The learned Government Pleader will convey the gist of this order to the 2nd respondent for compliance. Post on 01/06/2020.

Nsd

**GOPINATH.P
JUDGE**

APPENDIX

PETITIONERS EXTS:

EXHIBIT P1:- TRUE COPY OF THE ENVIRONMENTAL CLEARANCE ISSUED TO THE PETITIONER BY THE DISTRICT ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, MALAPPURAM DATED, 26-4-2018.

EXHIBIT P2:- TRUE COPY OF THE QUARRYING PERMIT ISSUED TO THE PETITIONER BY THE RESPONDENT DATED, 6-6-2018.

EXHIBIT P3:- TRUE COPY OF THE JUDGMENT DATED, 19-12-2018 IN W.P. (C)NO.38775/2018 OF THIS HON'BLE COURT.

EXHIBIT P4:- TRUE COPY OF THE APPLICATION FOR RENEWAL OF QUARRYING PERMIT SUBMITTED BY THE PETITIONER DATED, NIL

EXHIBIT P5:- TRUE COPY OF THE CHALAN RECEIPT ISSUED FROM THE SUB TREASURY, MANJERI DATED, 17-6-2019.

EXHIBIT P6:- TRUE COPY OF THE ORDER DATED, 24-12-2019 ISSUED BY THE RESPONDENT AS NO.D.O.M./M-2310/2019.

EXHIBIT P7:- TRUE COPY OF THE JUDGMENT DATED, 7-1-2020 IN W.P. (C)NO.141/2020 OF THIS HON'BLE COURT.

EXHIBIT P8:- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED, 19-2-2020.

EXHIBIT P9:- TRUE COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT AS NO.274/2019-20/L.S./DOM/M-2310/2019 DATED, 2-3-2020.

