
(2021) 12 KL CK 0042

In the High Court Of Kerala

Case No : Writ Petition (C) No. 21554 Of 2021

Bijulal D

APPELLANT

Vs

State Level Environment Impact Assessment Authority
(SEIAA KERALA)

RESPONDENT

Date of Decision : 06-12-2021

Acts Referred:

Citation : (2021) 12 KL CK 0042

Hon'ble Judges : T.R.Ravi, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

T.R. Ravi, J.

1. This writ petition, which was disposed of on 01.12.2021 is posted today for 'to be spoken to' as some typographical errors have crept in the judgment. The judgment dated 01.12.2021 is hence suo motu recalled and the writ petition is disposed of as follows:

2. The writ petition has been filed praying to quash Ext.P23 and for a direction to the 3rd respondent to extend the validity period of Ext.P1 till 23.05.2022 in the light of Exts.P10 & P11 Government Orders to facilitate the petitioner to mine and extract the quantity of building stones prescribed in Ext.P2 for the 3rd year.

3. Pending the writ petition, the petitioner has filed I.A.No.1 of 2021 producing Exts.P28, P29 and P30, which are applications made for approval of the mining plan, etc. Learned counsel for the petitioner

submits that the 3rd respondent may be directed to consider these applications and pass orders dehors Ext.P23 by which the application with regard to the 3rd year was rejected stating that the petitioner has already mined the permitted quantity. I find considerable force in the above contention.

4. In the above circumstances, the 3rd respondent is directed to consider and

pass orders on Exts.P28 & P29 after referring to Ext.P30 untrammelled by the observations made in Ext.P23.

5. The Senior Government Pleader submitted that a months' time may be granted for finalising the approval of mining plan and a further months' time may be granted for issuance of the quarrying permit. Petitioner pointed out that the period is due to expire on May, 2022 and if such a long time is taken for consideration, he would lose the benefit of grant of the permit itself, based on Exts.P10 and P11.

In the above circumstances, the 3rd respondent is directed to pass orders regarding the finalisation of approval of the mining plan as well as the quarrying permit at the earliest, at any rate, within six weeks from the date of receipt of a certified copy of this judgment.