
(2021) 11 KL CK 0188
In the High Court Of Kerala
Case No : Writ Petition (C) No. 12297 Of 2013

Joice George

APPELLANT

Vs

Bharananganam Grama Panchayat Bharananganam P.O

RESPONDENT

Date of Decision : 25-11-2021

Acts Referred:

Kerala Panchayat Raj Act, 1994 — Section 233(3)

Citation : (2021) 11 KL CK 0188

Hon'ble Judges : Shaji P.Chaly, J

Bench : Single Bench

Advocate : K.G.Anil Babu, Prakash C Vadakkan

Final Decision : Dismissed

Judgement

Shaji P.Chaly, J

1. The writ petition is filed by the petitioners seeking the following reliefs:

i. Call for the records leading to Exhibit P10 and quash the same.

ii. Issue a writ of mandamus or any other appropriate writ, order or direction directing respondents 1 to 3 to issue the installation permission to the petitioner for his metal crusher unit, grant as applied for him and issue the license as expeditiously as possible at any rate within a time limit to be fixed by this Hon'ble Court.

Iii. Such other relief and orders as may be prayed for or deemed fit and proper in the circumstances of the case.

2. Brief material facts for the disposal of the writ petition are as follows; petitioner has been running a granite quarry & metal crusher unit in his own 10 Acres of property, which according to the petitioner, was done after securing statutory licenses, certificates and consent for the past more than 20 years. While so, petitioner applied for renewal of licence from the Secretary, Bharananganam Grama Panchayat for the year 2013-2014. According to the

petitioner, the renewal application was submitted within time and he has produced all records required for consideration of the application as directed by the Secretary of the Grama Panchayat. However, the Panchayat Committee, has not passed any orders as provided under section 233(3) of the Kerala Panchayat Raj Act, 1994.

3. The case put forth by the petitioner is that some people, who are residing far away from the quarry, are influencing the committee members and the Secretary of the Grama Panchayat, not to renew the licence. Therefore, the case put forth by the petitioner is that due to the pendency of application , a deemed licence has been accrued to the petitioner. It is also the case of the petitioner that the Panchayat has failed to perform its statutory duty warranting directions from this Court under Article 226 of the Constitution of India. That apart it is pointed out that due to the pendency of application for licence before the Panchayat, petitioner has suffered serious consequences and irreparable injuries.

4. Anyhow, against the conduct of the quarry and issuance of Exhibit P9 licence by the Panchayat, an aggrieved person has preferred an Appeal No. 425 of 2013 before the Tribunal for Local Self Government Institutions, Thiruvananthapuram, and the Tribunal has granted a stay of the proceedings of the Panchayat Committee, evident from Exhibit P10.

5. I have perused the pleadings and materials on record and heard Sri.Prakash C. Vadakkan, learned Standing Counsel for respondents 1 to 3.

6. On going through the documents produced by the petitioner, it is clear that the statutory clearances, consent and permits issued by the Pollution Control Board and all other statutory authorities, including the authority under the Minor Mineral Concession Rules, have expired and therefore, the writ petition, at this distance of time, has no sustenance as there is no requirement for adjudicating the issues raised by the petitioner on its merit. Which thus means, the writ petition has become infructuous and accordingly it is dismissed as infructuous.