

(2009) 04 KL CK 0033

In the High Court Of Kerala

Case No : W.A. No. 745 of 2009 and W.P. (C) No. 367 of 2009

N.V. Yacob and Another

APPELLANT

Vs

Subhash E.P. and Others

RESPONDENT

Date of Decision : 03-04-2009

Acts Referred:

Citation : (2009) 04 KL CK 0033

Hon'ble Judges : S.R. Bannurmath, C.J;Kurian Joseph, J

Bench : Division Bench

Advocate : P. Ramakrishnan, for the Appellant; Shaijan C. George, for the Respondent

Judgement

Kurian Joseph, J.—This writ appeal is filed by additional respondents 6 and 7 in the writ petition aggrieved by the interim order dated 11.3.2009 passed by the learned Single Judge in W.P.(C) No. 367 of 2009. As per the impugned interim order, the petitioner/first respondent was permitted to operate the quarry despite the alleged severe pollution and serious violation of the Rules in operating the quarry.

2. When the writ appeal came up before us, we directed the 5th respondent, Chief Environmental Engineer, Kerala State Pollution Control Board, Regional Office, Ernakulam to conduct a local inspection with notice to the parties and submit a report. When the matter is placed before us, we find that after the disposal of the writ appeal hardly nothing survives in the writ petition and hence by consent of the parties, the writ petition is also called for to be disposed of along with this appeal.

3. In the statement filed by the 5th respondent, it is reported as follows:

The quarry owned by M/s. Periyar Granites was located adjacent to the respondent quarry towards northern direction lying in the same rock strata. The extent of quarry is 1.2 acres. But it is observed that severe excavation had been completed in the quarry. Excavation below 100 meters from ground level is being

carried out at present. The blasting operations carried out at too deep may cause scarcity of water in the surrounding area.

xxx xxx The damage of cracks was noticed in 5 buildings existing at a distance of 152 - 200 meters. The quarry trench is too deeper than any of the wells in the area which prevents the natural recharging of wells. Large scale excavation has already been done at the site. Therefore it is not advisable to continue the operation, considering the water scarcity and prolonged sound and dust emission hazards in the area. The consent of the Board issued for the operation of both quarries will be reviewed and appropriate action will be taken by the Board shortly.

4. In the above circumstances, we dispose of the writ petition directing the 5th respondent Pollution Control Board and the first respondent Grama Panchayat to take appropriate action in accordance with law in the matter with notice to the affected parties also in public interest and for safeguarding and protecting the environment, in the light of the statement filed by the 5th respondent, a portion of which has been extracted above. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

Writ appeal and writ petition are disposed of as above.