

(2022) 01 KL CK 0131

In the High Court Of Kerala

Case No : Writ Petition (C) No. 29592 Of 2021

Sand And Aggregates International Pvt. Ltd.

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 18-01-2022

Acts Referred:

Citation : (2022) 01 KL CK 0131

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : John K.George, M.B.Shyni, Rajesh Kumar R., V.R.Anilkumar, Pareeth Luthufin K.B., Ramees P.K., Erfana Parambadan, Vinitha B

Final Decision : Disposed Of

Judgement

Anu Sivaraman, J

1. This writ petition is filed seeking directions to the respondents to extend the validity of Ext.P1 quarrying lease issued to the petitioner by granting the

benefit under Ext.P5 Government order, without insisting for an Environmental Clearance.

2. It is submitted by the learned counsel for the petitioner that quarrying lease was entered into by the petitioner on 14.06.2010 and therefore the

petitioner does not require an Environmental Clearance. It is further submitted that by Ext.P5 Government order dated 12.02.2021, the respondents

have directed the extension of the validity period of quarrying permits and quarrying lease for a period of one year in view of the notification issued by

the Ministry of Environment, Forests and Climate Change dated 18.01.2021, in the light of the COVID-19 pandemic. The learned counsel for the

petitioner submits that the validity of the quarrying lease was till 13.06.2020, but

the petitioner could not carry out any quarrying activity after 20.03.2020 and therefore, it is liable to be extended.

3. Having considered the contentions advanced, I am of the opinion that the request made by the petitioner for extension of quarrying lease is liable to be considered in the light of Ext.P5. The specific case of the petitioner that he is not liable to produce the Environmental Clearance, in view of the fact that the quarrying lease was dated 14.06.2010, is also to be considered by the respondents while passing orders as directed above. The 2nd respondent shall take up the application submitted by the petitioner for extension of the validity of the lease specifically in the light of Ext.P5 and pass orders on the same, after hearing the petitioner as well through any appropriate means, including video conferencing, within a period of one month from the date of receipt of a copy of this judgment. The judgment of this Court in All Kerala River Protection Council v. State of Kerala [2015 (2) KLT 78] shall also be taken into consideration while passing orders. This writ petition is ordered accordingly.