

IN THE COURT OF THE MUNSIFF, KANJIRAPPALLY.

Present : Smt. Smitha Susan Mathew, Munsiff

Wednesday 25th day of June 2025

04th day of Ashadha 1947

I.A 2/2024 in O.S 87/2024

Petitioners/Plaintiffs:-

- 1) P.M. Mathew, Aged 76 Years, S/o Late
P.M. Mathew, Pathalil Bhavan, Pazhayidam
P.O., Manimala Village, Kanjirappally Taluk.
Kottayam District.
- 2) Babu Thomas, aged 61 Years, S/o Thomas,
residing at Mundaplackal House, Poovatholi
P.O., Manimala Village, Kanjirappally Taluk,
Kottayam District.

**By Adv. K. Karjet , Adv. Benny Jacob
& Adv. Arathy K.**

Respondents/Defendants No. 1 to 6:-

- 1) M/s Thomsun Aggregates, a Partnership
Firm having Office at Thomsun Annex, 4th Floor,
Achutha Warriar Lane, M.G. Road, Ernakulam-
682035 represented by its Managing Partner
K.V. Abraham, aged 67 Years, S/o K.C. Varghese
Kuttiipparambil, Vadavathoor Kara, Vadavathoor
P.O., Vijayapuram Village, Kottayam Taluk,
Kottayam District - 686 010.
- 2) Thomsun Estates Ltd., L.L.P., a Limited Liability
Partnership Firm having its Office at XVII/431,
Chenappady Estate, Koovappally, Kottayam,
Kerala, 686 518, represented by Designated

partner K.V. Abraham, Aged 67 Years, S/o K.C. Varghese, Kuttipparambil, Vadavathoor Kara, Vadavathoor P.O., Vijayapuram village, Kottayam Taluk, Kottayam District – 686 010.

- 3) K.V. Abraham, Aged 67 Years, S/o K.C. Varghese, Kuttipparambil, Vadavathoor Kara, Vadavathoor P.O., Vijayapuram Village, Kottayam Taluk, Kottayam District – 686 010.
- 4) Eliyamma Thomas, W/o Varghese Thomas, residing at Kuttipparambil, Vadavathoor Kara, Vadavathoor P.O., Vijayapuram Village, Kottayam Taluk, Kottayam District – 686 010.
- 5) Padmakumar, aged about 41 Years, Valiyathottathil House, lythala, Pathanamthitta District – 689 673
- 6) Praveen, aged about 43 Years, Thayyil Padinjarethil, Peringara, Peringara Village, Pathanamthitta District – 689 108.

R1 to R3 By Adv. George Kurian

R5 & R6 By Adv. Alex J. Edackattu.

R4 By Adv. Abhijith K.B.

This petition having been finally heard of 23.06.2025 and the court on 25.06.2025 passed the following:-

ORDER

Petition for order of temporary prohibitory injunction.

2. The averments in the petition, in brief, are as follows:-

This petition is filed by the 2nd plaintiff, for 1st plaintiff also. According to the petitioner, he and 1st plaintiff are the responsible citizens who are residing in Manimala village and are committed to protect the interest against the public nuisance and other wrongful acts of defendants 1 to 6. Plaintiffs are not seeking any reliefs against defendants 7 to 12 and they are impleaded as proforma defendants. 1st defendant is a partnership firm which is engaged in the business in excavating, selling and marketing of granite stones. The defendants 3 and 4 are its partners. Defendants 5 to 7 are its employees. The 2nd defendant is limited liability partnership firm which is also carrying out the excavation and selling of granite business. Plaintiff A schedule property belongs to defendants 1 to 4 and defendants 1 to 6 are jointly carrying out quarry business therein. The 30 acres of land was purchased by defendants 1 to 4 by making believing the residents therein by false misrepresentation that they are going to start a poultry farm therein. Plaintiff B schedule is the Nilackathanam-Pampeppadi public road which passes through the northern side of plaintiff A schedule property. Plaintiff C schedule is a large water tank constructed by the 9th defendant, water authority. Said water tank is situated within a radius of 200 metres from plaintiff A schedule property. Defendants 1 to 6 are conducting blasting operations since 06/06/2022 in plaintiff A schedule property under the cover of a permission

obtained from the 7th defendant. The defendants are conducting their business in plaint A schedule property without obtaining proper permission and simply on a development permit obtained to construct the poultry farm. The defendants are conducting the quarry business without keeping proper distance from plaint B schedule road. Huge pits of about 100 metres depth without benching are being created in plaint A schedule property. Perpetual threat to human life is also caused due to their blasting in plaint A schedule property. The defendants 1 to 6 are using huge machinery in plaint A schedule property without obtaining any required permission from the 7th defendant, Manimala Grama Panchayath. The explosives for blasting have been kept without taking any safety measures. The permission to keep the blasting materials was obtained by producing a forged agreement showing that the owner of the property granted lease of the property for keeping the blasting materials. Eventhough such a place is shown as a place for keeping blasting materials, actually, the blasting materials are kept in an open place near the blasting area. The blasting operations in plaint A schedule property is not a No-Neal blasting and it is against the permission granted. The depth of the blasting pit is far more than permitted depth by doing so, heavy tremors occur when the blasting is done, causing substantial damage to the residential buildings in the locality. The gradation of the blasting site is totally against the permitted gradation. There is no benching having a 5 metre width and 5 metre height where the rocks were blasted and extracted. The heavy blasting operations and earth removal from plaint A schedule property causes allergy and asthma to the inhabitants. The

buffer zone having a width of 7.5 metre, is not kept around the blasting site. The defendants 1 to 6 did not obtain permission/NOC from the Director General of Mining and Geology, and Safety and also did not obtain permission from the Water Authority as there is a large drinking water reservoir. Rocks are blasted from plaint A schedule property in an excessive quantity than permitted by the license and the blasting operation is done outside the permitted demarcated area. The Tipper Owners' Welfare Association had filed a complaint before the 12th defendant alleging that illegal blasting and removal of granite was done in the plaint A schedule property. Heavy Taurus lorries loaded with granite stones above 40 tons are being taken through plaint B schedule Panchayath Road, causing substantial damage. The width of the water stream by the side of plaint B schedule road is reduced to a width of 1 metre by the illegal widening of B schedule road by defendants 1 to 6 by concrete construction to facilitate the passage of heavy vehicles carrying blasted rocks. It has affected the free flow of the natural stream, providing water to various landowners/cultivators in the area. Animal Husbandry business in the area was seriously affected as the animals healthy life was destroyed by continuous blasting and rock crushing sound, and also due to the fear of injury to the animals sent for grazing. The rubber tappers fear tapping the rubber trees in the area, as often the blasted rock pieces are thrown to the rubber plantations, causing serious threats to their life. The blasting operations are also being conducted in night which causes sound pollution thereby causing health issues to the nearby inhabitants. The quarrying and other allied activities done by the

defendants 1 to 6 in plaint A schedule property violating the conditions of permissions given by the defendants 7 to 12 and the destruction of the B schedule road by taking heavy vehicles loaded with an excessive quantity of granite stones than permitted are causing severe nuisance to the public including the plaintiffs. Hence the petition for an order of temporary prohibitory injunction against defendants 1 to 6.

3. Objection filed by the respondents 1 to 3 in brief, is as follows:- Considering the nature of the reliefs claimed in the suit, respondents 7 to 12 are unnecessary parties. The 7th respondent is not an employee of the 1st respondent, and the 7th defendant is Manimala Grama Panchayath. The extent of the property owned by the respondents is more than 30 Acres. The allegation that the respondents purchased 'A' schedule property from various persons, falsely misrepresenting that they are going to start a Poultry Farm in the area is false. Prior to the purchase of the property Consent Deeds were executed by the owners of the property on 27/07/2019 in favour of the 1st respondent for the specific purpose of quarrying for a period of 10 years from the date on which a quarrying lease is executed under the provisions of the Kerala Minor Mineral Concession Rules, 2015. A plan is appended as per rules to Quarrying License Deed No. 701/2023 of Erumely SRO showing the lie and location of the total property and also Nilakkathanam- Pampepady Road in which the quarrying site having an extent of 4 Hectares and 93.46 Ares is specifically demarcated with buffer zone and boundary pillars are also erected around the quarrying site Nilakkathanam - Pampepady road is more than 60 meters away from the quarrying site. The allegation that

the 9th defendant has spent Crores of rupees on erecting the water tank is not true. Even though there is a water tank which is more than 125 meters away from the quarrying site so far it has not commissioned or provided any water connection to anybody. For the construction of a Crusher Unit in the property the 2nd respondent obtained Building Permit No.A3-BA(182097)/2019 on 06/05/2022 and the Plan of the proposed Crusher Unit and the plan of the land development were also approved and based on the building permit the 2nd respondent obtained permission from the District Geologist, Kottayam to remove 11052.61 Cubic Meters of ordinary earth and 15371.75 Metric Tons of granite from the property as part of development for construction of Crusher Unit on 23/01/2023. Kerala State Pollution Control Board has also issued a consent letter for establishing a Crusher Unit in the property. From the Deputy Chief Controller of Explosives, Ernakulam, permission was obtained on 24/05/2022 to use explosives for blasting rock as part of land development for the purpose of installing Crusher Unit in the property. The allegation that Quarrying operations are done in the property flagrantly violating the conditions of permission is also false. The further allegation that the respondents are carrying on mining and quarrying works without leaving any space from 'B' schedule road and causing damage to it. The quarrying site is more than 60 meters away from 'B' schedule road and the development work for establishing a crusher unit to the south of 'B' schedule road was also completed. Quarrying operations are carried out in the property by the respondents on the basis of statutory permission, consent, license etc. Mining Lease No.701/2023

was executed after obtaining Letter of Intent No.7136/M3/2019 dated 28/09/2019 from the Directorate of Mining and Geology which was extended by Letter of Intent No. DMG/8832/2021 dated 08/06/2022. No Objection Certificate dated 23/11/2019 from the Fire and Rescue Services, Kottayam, Environmental Forest and Climate Change Consent dated 07/08/2022 from the Kerala State Pollution Control Board, Permission dated 23/08/2022 from the Ministry of Commerce and Industry, Petroleum and Explosive Safety Organizations, Non- Assignment Certificate dated 26/09/2022 from the Village Officer, Manimala, Panchayath License dated 27/10/2022 from the 7th defendant, Demarcation Certificate dated 14/11/2022 from the Taluk Office, Kanjirappally were obtained by the respondents and Form 1 Notice of opening of Mine was intimated to DGMS, Bangalore region by Email dated 01/11/2023 with necessary documents attached. The allegations in para 10 of the Affidavit are also not true. License was obtained in the name of the Managing Partner of the 1st defendant for keeping explosives like Nitrate mixture 300 Kg, safety fuse 550 Meters, and detonators 5000 numbers in the property in resurvey 172/2 in Block No. 19 of Manimala Village and portable magazines of B and D type bearing Serial Nos.04 and 921 were erected and all safety and precautionary measures are also taken for keeping the explosives in the magazines. The site of the magazine is more than 600 meters away from the blasting site, and the magazines are protected by fencing, and the water tank and fire extinguishers are arranged. The allegation that the permission to keep the explosives was obtained by producing a forged agreement is false and baseless. If the document

based on which the permission for keeping blasting materials was issued was fabricated or manipulated the owner of the property where the magazines are installed would have objected and appropriate legal proceedings would have been initiated by this time. Blasting of rock is done strictly in accordance with the plan appended to the mining lease and blasting area is more than 60 meters away from Nilakathanam-Pampepady road. Allegation that permission to extract granite was obtained by fraudulently denoting the road as a private road is also false. Non electrical blasting is done in the quarrying site strictly in accordance with the stipulations and statutory conditions. These defendants have obtained technical report through Global Environment and Mining Services, Bangalore on blast induced ground vibrations, its impact, noise level, peak particle velocity etc and all the reading are within the DGMS permissible limit. During the time when the Commissioner inspected the property due to the alert declared by the Government quarrying at the site had been stopped. The allegation that blasting operations and earth removal are causing spreading of dust and contamination of well water etc are baseless and untenable. Buffer zone as per the plan appended to the mining lease is kept. The further allegation that the environmental compliance report is not given to the Ministry of Environment and Forest and heavy pollution is caused to the air, water and soil in and around the blasting area and the natural streams and springs are totally destroyed are also baseless and false. The allegation that the Tipper Lorry Owner's Welfare Association filed a complaint before the 12th defendant is also false. Periodical maintenance is done with the permission of the

Panchayath. The width of the stream is not reduced by the defendants. The 7th defendant as per the Letter dated 03/01/2023 requested the 1st defendant to express 1st defendant's interest to sponsor the installation of surveillance cameras in different Wards of the Panchayath to find out and penalize the persons who dump waste materials and the 1st respondent expressed its interest to sponsor the surveillance cameras and to contribute to its expenses from the budgeted CSR fund by way of Email to the Panchayath dated 18/01/2023 also with the tax invoice for the B surveillance cameras and accessories. Blasting is done at the quarrying site conforming to the rules and the regulations. The water tank as a monument of mismanagement is situating more than 125 metres away from the quarrying site and the quarrying operations in the property does not cause any threat at all to the water tank. These respondents have spent crores of rupees for starting the granite quarry after obtaining licenses, permissions, NOC etc for carrying on the business. The petitioners have no prima facie case and balance of convenience is not in favour of petitioners and no irreparable injury caused to the petitioners if injunction is not granted. Hence they seek dismissal of the petition.

4. 5th and 6th respondents filed objection. These defendants adopted the contentions raised by the above defendants. Other contentions raised by them are as follows. The suit itself is barred under the provisions of the Central Act 19 of 2010 and the Civil Court is having no jurisdiction to entertain the suit and no interim relief can be granted in a suit which is not maintainable. The petitioners/plaintiffs have

no bonafides in filing the above suit or injunction application. Hey seek for dismissal of the petition.

5. Heard. Perused the case records

6. The only point that arose for consideration is whether the plaintiffs are entitled for an order of temporary prohibitory injunction as prayed for.

7. Exts.A1 from the side of the plaintiffs/petitioners and Exts. B1 to B19 from the side of defendants/respondents are marked for reference.

8. The point : The defendants 1 to 6 are conducting quarry business including excavation of granite in plaint A schedule property. The case of the plaintiffs/petitioners is that the quarry in plaint A schedule property is functioning violating the conditions of the permits granted to them by defendants 7 to 12, causing nuisance to the public, endangering the life and property of the public and causing damage to plaint B schedule road and plaint C schedule water tank. Defendants 1 to 3 and 5 and 6 filed objection. Defendant No.4 had not filed objection, but the learned counsel vehemently objected the petition during hearing the petition. The plaintiffs claim that they are the responsible citizens who are interested in the welfare of Manimala village and committed to protect the interest of the public against the nuisance and other wrongful acts carried out by defendants 1 to 6 and they filed this plaint u/s 91 of the Civil Procedure Code. The 1st defendant is a partnership firm that conducts quarrying business in plaint A schedule property. 2nd defendant is a limited liability partnership firm carrying out similar business. Defendants 3 and 4 are its partners. Defendants 5 and 6 are its

employees. The plaintiffs sought for reliefs against the defendants 1 to 6 only. Defendants 7 to 12 are various government institutions. 3rd defendant, the Managing Partner of 1st defendant and designated partner of 2nd defendant represents them.

9. The plaintiffs allege that Plaint A schedule properties were purchased by defendants 1 to 4 from various persons in the locality, misrepresenting that they were going to start a poultry farm in the area. This was denied by defendants. They produced Ext B2, a consent deed executed on 14.01.2019 between 3rd defendant and one Beena B. Nair. This would show that said Beena B. Nair consented to conduct quarry business for 10 years in 0.427 hectors of property comprised in survey No.157/6 in 19th Block, Manimala village which is owned and possessed by her by virtue of sale deed No.1427/1997, since the date of execution of quarrying lease between 3rd defendant and the Mining and Geology department. They also produced Ext B3, a consent deed executed on 27.07.2019 between 3rd defendant and one Reji Joseph. This would show that said Reji Joseph consented for conducting quarrying business including excavation of granite for 10 years in 0.9455 hectors of property comprised in survey No.155/2 in 19th Block, Manimala village which is owned and possessed by him by virtue of settlement deed No.1629/2017, since the date of executing quarrying lease from the Mining and Geology department. Ext B4 is another consent deed executed on the same date between 3rd defendant and one V. C. Jacob. This would show that said V. C. Jacob consented for conducting quarrying business for 10 years since the date of executing quarrying lease from the Mining and Geology

department in 0.2419 hectores of property comprised in survey No.156/2 in 19th Block, Manimala village which is owned and possessed by him by virtue of sale deed No.1439/1988. These documents would show that the allegation of plaintiffs that defendants 1 to 4 purchased plaint A schedule property by misrepresenting that they were going to start a poultry farm in the area is groundless.

10. The plaintiffs allege that defendants 1 to 6 are conducting blasting operations from 06.06.2022 under the power of a permission obtained from the 7th defendant on a development permit for starting a poultry farm and without obtaining permission from any authorities and without remitting the royalty amount to the government. They also allege that presently the defendants are conducting quarrying operations, violating the conditions of permission subsequently obtained on 29.03.2023 from various authorities. Ext B17 would show that a quarrying license deed No.701/2023 of the Erumeli SRO was executed with the Department of Mining and Geology on 29.03.2023. Ext B1 is a general building permit issued by the Manimala Grama Panchayath to the 1st defendant on 06.05.2022. This would show details of land development in the plaint schedule property and the plan for the proposed crusher unit and allied buildings proposed to be constructed on that land. This would show that 1st defendant got permission for land development and construction of building on 06.05.2022. There is no document to show that the plaintiffs started quarrying even before 06.05.2022. This suit is filed on 27.03.24. The plaintiffs could have taken steps in 2022 itself to stop the functioning of the quarry which was allegedly functioning without

proper permission. Without resorting to what to be done in time, there is no meaning in alleging that the quarry started functioning without complying with the legal formalities. Now the present allegation is that defendants run the quarry violating the conditions of the licenses issued by various government authorities. Plaintiffs have no case that they have intimated these violations to the authorities concerned in time.

11. Ext B5 is an NOC issued on 23.11.2019 by the Regional Fire Officer, Kottayam permitting 1st defendant to keep the 300 kgs of nitrate mixture, 5000 metres safety fuse, 4000 ordinary detonator and 4000 electric detonators. The plaintiffs allege that the explosives for blasting have been kept without taking any safety measures. They further allege that the place for keeping blasting materials are not safeguard with fencing and required water tank and fire extinguishing machines. The commission report would show that the explosive substances are kept in a rubber plantation which is 600 meters away from plaint schedule properties. As per the report, gun powder was kept in two iron boxes having sufficient capacity. These boxes are kept in a cement floor having 4 feet height. There is barred fencing around the place where the above boxes are kept. Commissioner also reported existence of an iron gate thereby. Commissioner noted two fire extinguishers and buckets used for drawing water. The report would not support the allegation of the plaintiffs that the explosives are kept without complying with the safety measures specified by the authority. However, the report would show that the water tank was seen useless and without water. Any how other safety measures are satisfactory as per report. Absence of water in the tank at

the time of visit of the commissioner is not a serious issue so as to prohibit the functioning of the quarry. The commission report is insufficient to support the allegation of the plaintiffs that the blasting materials are kept in the open place near blasting area. There are no documents to establish the allegation of the plaintiffs that the permission to keep blasting materials was obtained by producing forged documents. There are no document to support that the plaintiffs proceeded before a lawful authority against the defendants for producing forged documents to obtain license.

12. The plaintiffs allege that the blasting of rocks is done without keeping the specification that quarrying shall be conducted beyond 50 meters from a public road. Defendants denied this. The commission report would show that the Nilackathanam-Pampepadi Panchayath road is existing at a distance of 20.6 meters away from the place from where the signs of blasting of rocks exists. The plaintiffs could not convince the court the existence of the rule that there shall be a distance of 50 meters between a quarry and a public road. The blasting of rocks at present without a distance of 50 meters is not reported by the commissioner. The commission report only indicates the possibilities that there were rocks near the road and that blasting might have been carried out there. But presently this is leveled using soil. He had not reported blasting presently within a distance of 50 meters from the road. The plaintiffs could have approached any lawful authority against such blasting at the time of its happening to avoid calamities. Even if accepting the allegation of the plaintiffs the 50 meters distance between quarry and public road, as

blasting of granite within 50 meters presently is not reported by the commissioner, injunction cannot be granted to stop the functioning of the quarry. The plaintiffs claim that the defendants obtained blasting permit citing Nilakkathanam - Pampepady road as a private road. The documents before the court do not reflect that the defendants filed application stating that the plaint B schedule road as a private road. Moreover, the Panchayath clearly knows whether the road is in their asset register. So when an application is filed for getting permission for functioning of a quarry in an extent of 60 acres, there should be thorough perusal regarding the measures to be taken care of before issuing permit. If the Panchayath failed to comply with the norms, it should be complained of before the authority concerned. Plaintiffs have no case that they had approached against the Panchayath against sanctioning of permit without complying with the rules and regulations before giving license to the quarry. Plaintiffs failed to establish that the defendants obtained license fraudulently representing plaint B schedule road as private road.

13. The plaintiffs further allege that the blasting operations done in plaint A schedule property is not a non-electrical blasting. The commission report would not support this allegation of plaintiffs. Electrical detonators cannot be termed as the equipment used for electrical blasting. There is nothing in the commission report to establish that defendants are using electric blasting in plaint schedule property.

14. Another allegation is that the depth of blasting pits are more than permitted and the heavy tremor causes damage to the residential building in the locality. No such complaints of the inhabitants could be

cited as a document by the plaintiffs. Commissioner reported that one of the nearby inhabitants told the commissioner that the cracks seen in the plastering of his house was caused by the tremor during blasting. Moreover the commission report would show that road in front of the quarry is in a destroyed condition. It cannot be said that the damage of road near the quarry is due to the tremor during the blasting. Without ascertaining the intensity of the tremor experienced in the locality with the help of an expert, the court cannot decide that the tremor during blasting is beyond the permitted intensity. The other allegation is that the gradation is totally against the permitted rules. The rules are not produced before the court. Ext. B19 is the technical report on the blast and its allied impacts. This shows that the quarry is working under the permissible limits of the measures of the Directorate General of Mines Safety.

15. Plaintiffs allege that no precautionary measures are taken by the defendant 1 to 6 to control the dust pollution caused by the blasting works in the quarry. Commissioner also reported the same. The extent of pollution caused by blasting can only be determined by the assistance of an expert. Absence of arrangements to control the dust at the quarry is not a ground to prohibit the working of an institution with a prohibitory order of injunction at the first instance itself. Plaintiffs have no case that they have approached either the Panchayath or the Pollution Control Board against the pollution caused by the blasting in the quarry. The defendants 3 to 6 are bound to take necessary steps to control the dust that forms due to blasting spreading in the area. The intensity of the

alleged Air, Water, sound and soil pollution and the resultant nuisance can only be acted upon after getting an expert opinion regarding the intensity of such pollution. Defendants contend that this court has no jurisdiction to determine the dispute regarding the environmental pollution. Petition does not show the plaintiffs are residing near the quarry. None of the documents produced by the defendants would show that the nearby inhabitants are facing such nuisance due to the functioning of the quarry. Plaintiffs allege that the waste water from the quarry is discharged to the Manimalayar and the water is getting contaminated. Even the commission report would not show any report regarding the discharge of waste water from the quarry to the Manimalayar.

16. Another allegation is with respect to the non-commissioning of C-schedule water tank constructed near the quarry. According to the plaintiffs, the tank is very near to the quarry and non commissioning of it is due to the interference of the defendants. Ext. A1 is a judgment of the Hon'ble High Court in Writ Appeal No.490/24, regarding the water tank. This is a petition given by one Suresh, who is not a party to this suit. He demanded commissioning of the tank only after the scientific study regarding its impact. The writ appeal was dismissed. The significance of Ext. A1 in the functioning of quarry at present could not be explained by plaintiffs. If the government is interested, it would commission it after removing the obstacles thereby. The present documents available before the court are insufficient to obstruct the functioning of quarry due to the presence of a non-commissioned water tank. Plaintiffs could not produce

sufficient documents to establish that the non-commissioning of the water tank is due to the intervention of the defendants. Plaintiffs have no case they have collected necessary documents from the authorities concerned which shows that the defendants are interfering with the commission of the C schedule.

17. According to defendants, a letter of indent No.7136/M3/2019 dated 28.09.2019 from the Directorate of Mining and Geology permitted defendants to execute lease deed. The time stipulated therein was extended by Ext B6 another letter of indent No. DMG/8832/2021 dated 08.06.2022. Ext B7 is the proceedings of State Level Environment impact assessment authority dated 19.07.2022 issuing environmental clearance certificate to the defendants. Ext B8 is a non assignment certificate issued by the Village Office, Manimala on 26.09.2022 to produce it before the Mining and Geology Department. Ext B9 is a license issued by the Manimala Grama Panchayath on 27.09.2022 to the 2nd defendant who represents the 1st defendant to conduct quarry in the plaint schedule property. Ext B10 is the certificate dated 14.11.2022 issued by the Taluk Office, Kanjirappally fixing the boundary of the properties in which the proposed quarry is to be functioned. Ext B11 is the proceedings of the District Mining and Geology Department dated 23.01.2023 permitting the defendants to remove granite stones still 24.02.2023 and other related conditions thereby. Ext B12 is a consent variation order issued on 30.04.2020 by the Kerala State Pollution Control Board, its validity extends till 03.04.2024. Ext B13 is the consent No. KSPCB/KT/ICO/10008582/2022 issued by the Kerala State Pollution Control

Board to 1st defendant under the water (Prevention and Control of Pollution) Act, 1974, the air (Prevention and Control of Pollution) Act, 1981 and the Environmental (Protection) Act, 1986. Ext B14 is a permission obtained from the Deputy Chief Controller of Explosives, Ernakulam on 25.02.2022 to explosive for blasting rocks as part of land development for the purpose of installing crusher unit in the plaint schedule property. Ext B15 is the possession of use of explosives from magazine valid upto 31.03.2027. These documents would show that the quarry is working with all necessary documents. Plaintiffs could not prove that this quarry started functioning without any valid documents and the present documents were subsequently acquired. They could not bring a prima facie case that the quarry is functioning violating the conditions of the permits obtained. Plaintiffs/petitioners failed to satisfy the court the urgency of interfering with the functioning of the quarry which is functioning since 2022. An order of injunction to stop functioning of the quarry would cause irreparable injury to defendants 1 to 6. Balance of convenience is also in favour of him. Hence the petition is liable to be dismissed.

18. **In the result,** IA is dismissed.

Dictated to the Confidential Assistant, typed by him corrected by me and pronounced in open court on this the 25th day of June, 2025.

Sd/-

**SMITHA SUSAN MATHEW
MUNSIFF**

APPENDIX :-

Exhibits marked for the petitioners:-

A1	21.05.2025	Judgment of the Hon'ble High Court in Writ Appeal No. 490/24 in WP(C) No. 27632/23 dated 26.02.2024.
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Exhibits marked for the Respondents:-

B1	06.05.2022	Copy of General Building permit issued by the Secretary Manimala Grama Panchayath.
B2	14.01.2019	Copy of consent deed between 3 rd defendant and one Beena B. Nair.
B3	27.07.2019	Copy of consent deed between 3 rd defendant and one Reji Joseph.
B4	27.07.2019	Copy of consent deed between 3 rd defendant and one V.C. Jacob
B5	23.11.2019	Copy of NOC issued by the Regional Fire Officer, Fire and Rescue Services, Kottayam.
B6	08.06.2022	Copy of letter No. DMG/ 8832/2021 – M2 of the Directorate of Mining & Geology.
B7	19.07.2022	Copy of the proceedings of state level Environment impact Assessment Authority Thiruvananthapuram.
B8	26.09.2022	Copy of Non Assignment Certificate issued by the Village Officer, Manimala.

B9	27.10.2022	Copy of License issued by the Manimala Grama Panchayath to the 2 nd defendant.
B10	14.11.2022	Copy of certificate issued from Taluk Office, Kanjirappally.
B11	23.01.;2023	Copy of proceedings of the District Mining and Geology Department, permitting the defendants to remove granite stones still 24.02.2023.
B12	30.04.2020	Copy of consent variation order by the Kerala State Pollution Control Board.
B13	07.08.2022	Copy of consent to operative/Authorization/Registration, No. KSPCB KT/ICO/100085822022 issued from the Kerala State Pollution Control Board to 1 st defendant.
B14	24.05.2022	Copy of permission obtained from the Deputy Chief Controller of the Explosives Ernakulam.
B15	23.08.2022	Copy of possession of use of explosives from Magazine valid up to 31.03.2027.
B16	03.01.2023	Letter No. JC 3-03/2023 issued from Manimala Grama Panchayat.
B17	29.03.2023	Copy of Quarrying lease Executant K.V. Abrham.
B18	01.11.2023	E- mail.
B19	03.10.2023	Copy of Technical Report on Quarry of M/s Thomson Aggregates, Manimala Village.

Court exhibits:- Nil

Third party Exhibits:- Nil

Witness Examined for the petitioners:- Nil

Witness examined for the Respondents:- Nil

Id/-
MUNSIFF

//True copy //

Typed By : Sheeba C.N.

Compd. By : Jayamol V.M.

MUNSIFF