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IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

MONDAY, THE 13TH DAY OF OCTOBER 2025/21ST ASWINA, 1947

WP(C) NO.22292 OF 2025

PETITIONERS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
-SEIAA, K.S.R.T.C TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOOR, THIRUVANANTHAPURAM, PIN - 695001
- 2 STATE EXPERT APPRAISAL COMMITTEE - SEAC,
K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOOR, THIRUVANANTHAPURAM, PIN - 695001

BY ADVS.
SRI.M.P.SREEKRISHNAN
SRI.A.MUHAMMED MUSTHAF
SMT.THEJALAKSHMI R.S.

RESPONDENTS:

- 1 THE KERALA STATE MINORITY COMMISSION,
REPRESENTED BY ITS CHAIRMAN,
TC 9/1023(2) AANJANEYA, SASTHAMANAGALAM,
THIRUVANANTHAPURAM, PIN - 695010
- 2 MATHEW J.,
M/S. ALACODE GRANITES, VELLAD VILLAGE,
THALIPARAMBA TALUK, KANNUR DISTRICT, PIN - 670571



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BY ADVS.
SRI.R.T.PRADEEP
SRI.NIRANJAN T. PRADEEP
SRI.AJITH VISWANATHAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13.10.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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'C.R.'

JUDGMENT

Ext.P25 Order impugned in this Writ Petition reflects a classic example of abuse of power by the 1st respondent Minority Commission.

2. The 1st petitioner is the State Environment Impact Assessment Authority (for short, 'SEIAA') and the 2nd petitioner, the State Expert Appraisal Committee (for short, 'SEAC'), both constituted in terms of Clause 3 of the Environmental Impact Assessment Notification, 2006 (for short, 'E.I.A Notification, 2006'). The 1st respondent is the Kerala State Minority Commission constituted under Section 3 of the Kerala State Commission for Minorities Act, 2014 (for short, 'the Act, 2014'). The 2nd respondent is a project proponent, who had applied for Environmental Clearance (E.C) before the 1st respondent - the statutory authority



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constituted under the E.I.A Notification, 2006 - for conducting a granite building stone quarry. The impugned Ext.P25 Order of the 1st respondent/Minority Commission found that the 2nd respondent had produced all documents required for issuance of E.C for conducting the quarry; and accordingly directed the 1st petitioner SEIAA to issue Environmental Clearance to the 2nd respondent within a month from the date of Ext.P25.

3. The essential ground of challenge is absolute lack of jurisdiction of the 1st respondent to issue an Order in the nature of Ext.P25. Section 9 of the Act, 2014 deals with the functions of the Commission and Section 12 deals with the powers. Sections 9 and 12 are extracted here below:

“9. Functions of the Commission.—The Commission shall perform the following functions, namely:—

(a) to evaluate the progress of the development of minorities in the State;

(b) to enquire and monitor the manner of functioning of various safeguards provided,



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in the Constitution of India or under any other law or under any order of the Government, for the welfare, protection and empowerment of the minorities in Kerala;

(c) to enquire in to specific complaints about deprivation of social, economic, educational and linguistic rights, safeguards and benefits of the minorities, to bring such matters into the notice of authorities concerned, to suggest remedial measures and to monitor the follow-up actions thereon;

(d) to participate in and give creative suggestions on, the planning programmes for the educational, social and economic development of the minorities;

(e) to make recommendations as to the steps to be taken by the Government for the effective implementation of the measures and safeguards for the educational, social and economic development, welfare and protection of the minorities and to make report to the Government either annually or at such other time, as the Commission may deem fit and to monitor their timely implementation;

(f) to cause studies to be undertaken into various problems arising out of discrimination towards minorities and recommend measures for their removal;

(g) to conduct studies, research and analysis and to organize seminars, symposium and awareness classes on the issues relating to social, economic and educational advancement of minorities;

(h) to suggest appropriate measures to



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be adopted by the Government in respect of minority;

(i) to submit report to the Government periodically or specially, on any matter pertaining to minorities, particularly in respect of difficulties being faced by them and their remedial measures;

(j) to discharge such other functions in relation to the protection, welfare, development and advancement of the minorities, as may be prescribed;

(k) to take necessary steps to ensure the representation of minorities proportionate to their population in various employment projects and social development projects;

(l) to ensure the efficient functioning of the law and order system in communal conflict prone areas and to bring lapses to the notice of the Government;

(m) any other matter pertaining to minorities, entrusted by the Government.

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12. Powers of the Commission.— (1) The Commission, while performing its functions under section 9, shall have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:



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(a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) demanding any public record or copy there of from any court, office or other institutions;

(e) the examination of witnesses and inspection of records; and (f) any other matter as may be prescribed.

(2) Subject to the claim that may be raised by any person that he has special powers under any existing law, the Commission shall have the power to require any person to furnish information relating to any matter or subject which in the opinion of the Commission are the basis of, or relevant to, the subject of inquiry and the person so required shall be included within the meaning of sections 176 and 177 of the Indian Penal code, 1860 (Central Act 45 of 1860) and be deemed to be liable as per law to furnish such information.

(3) If the Commission or any officer not below the rank of Gazetted Officer, who is specially authorised by the Commission in this behalf, has sufficient reason to believe that records connected with the subject under enquiry are likely to be traced, may enter into any building or place at the time as may be prescribed and subject to the provisions of section 100 of the Code of Criminal



Procedure, 1973 (Central Act 2 of 1974), to the extent they are applicable, seize any such record or take its extracts or copies.

(4) The Commission shall be deemed to be a civil court and where an offence as defined in sections 175, 178, 180 and 228 of the Indian Penal Code, 1860 (Central Act 45 of 1860) is committed in the presence of the Commission, the Commission shall, after recording the statement of the accused and the facts pertaining to the offence as provided in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the same shall be transferred to the Magistrate having jurisdiction to try it and the Magistrate shall proceed to hear the complaint against the accused as if it has been transferred to him under section 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(5) All the proceedings before the Commission under section 9 shall, for the purposes of section 196 of the Indian Penal Code, 1860 (Central Act 45 of 1860), be deemed to be the judicial proceedings within the meaning of sections 193 and 228 and for all the purposes of Chapter XXVI and section 195 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Commission shall be deemed to be a civil court.

(6) The Commission may, for the purpose of taking evidence in connection with enquiries, utilise the services of any officer of the State Government or investigation agency.

(7) The officer or investigation agency whose services have been utilised under sub-section (6), shall take evidence after making enquiry



relating to it and the report thereon shall be submitted to the Commission within the period fixed by the Commission in this behalf.

(8) The Commission shall satisfy itself regarding the correctness of any inferences arrived at in the report or facts in the report submitted under sub-section (7) and for this purpose it may conduct enquiry as it deems fit, including the examination of the person who had taken the evidence or assisted for the same."

4. The power, which is seen usurped in Ext.P25, cannot be traced to any of the provisions of either Section 9, or Section 12 of the Act, 2014.

5. That apart, this Court notice that the petitioners, SEIAA and SEAC are the competent statutory bodies constituted by virtue of E.I.A notification, issued by the Central Government under Section 3 of the Environment (Protection) Act, a Central Statute. It is conceptually and fundamentally wrong for the 1st respondent to assume a power, which has been statutorily bestowed upon the petitioners herein, by virtue of the Central Statute referred above. It is not clear as to



under which provision, a direction as contained in Ext.P25 has been issued by the 1st respondent. It has been cautioned by a learned Single Judge of this Court in paragraph no.3 in *Jalal v. Village Officer* [2021 (1) KLT 397] that the authorities issuing Orders (stop memos in the facts of that case) should specifically indicate the power under which such Orders are being issued. The finding is on all fours in the fact situation herein, especially in the context of Ext.P25 direction. Ext.P25 Order cannot be sustained for a moment. That apart, no reason, whatsoever, is stated in Ext.P25 to frown upon the recommendation made by SEAC, or for that matter, the decision taken by SEIAA not to issue N.O.C to the 2nd respondent. Ext.P25 is all the more bad, when the decision of SEIAA can be challenged before the N.G.T, an expert body constituted under the statute. At any rate, it should have been noticed by the 1st respondent Commission that refusal of E.C to the 2nd respondent has nothing to do with his status as a member of the Minority Community, so as to justify interference by the 1st respondent Commission. The gross



illegalities referred above will render Ext.P25 illegal and the same will stand set aside.

6. Besides setting aside Ext.P25, this Court is impelled, in the peculiar facts, to observe as follows:

It is fundamental that an authority passing an Order should essentially be aware and sensitised of its jurisdiction and powers; and more importantly, about the absence of powers. There has been a complete and total neglect of this aspect by the 1st respondent Minority Commission, in issuing Ext.P25. The 2nd respondent is a member of a Minority Community. It is pathetic that the Commission cannot reason beyond the sentiments of the members of the Minority Community, when there exists a statutory regime for dealing with the matter and for redressal of grievance. It is not as if, any and every grievance of a member of the Minority Community can be taken stock of and reliefs granted by the Minority Commission of the State, especially when the powers and functions have been defined specifically in the Act by virtue of Sections 9



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and 12 above referred. The manner in which power bestowed by the statute has been abused certainly warrants imposition of costs to the 1st respondent. However, exercising self restraint, this Court desist from doing so.

This Writ Petition will stand allowed, as indicated above.

Sd/-

C. JAYACHANDRAN, JUDGE

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APPENDIX OF WP(C) 22292/2025

PETITIONER EXHIBITS

EXHIBIT P1	A TRUE COPY OF THE EIA NOTIFICATION, 2006 ISSUED VIDE SO 1533(E), DATED 14.09.2006.
EXHIBIT P2	A TRUE COPY OF THE APPLICATION FILED BY THE 2ND RESPONDENT.
EXHIBIT P3	A TRUE COPY OF THE MINUTES OF THE 103RD SEAC MEETING HELD ON 17TH & 18TH SEPTEMBER 2019.
EXHIBIT P4	A TRUE COPY OF THE MINUTES OF 109TH SEAC MEETING HELD ON 31ST JANUARY & 01ST FEBRUARY 2020.
EXHIBIT P5	A TRUE COPY OF THE MINUTES OF 111TH MEETING OF SEAC HELD ON 02ND-04TH JUNE 2020.
EXHIBIT P6	A COPY OF THE FIELD INSPECTION REPORT CONDUCTED ON 29.09.2020.
EXHIBIT P7	A TRUE COPY OF THE MINUTES OF 115TH MEETING OF SEAC HELD ON 03RD - 05TH NOVEMBER 2020.
EXHIBIT P8	A TRUE COPY OF THE MINUTES OF 106TH MEETING OF SEIAA HELD ON 19TH, 20TH AND 21ST JANUARY 2021.
EXHIBIT P9	A TRUE COPY OF THE ORDER NO. 1277(A)/EC2/2019/SEIAA, DATED 06.02.2021.
EXHIBIT P10	A TRUE COPY OF THE REPRESENTATION, DATED, 15.02.2021 BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT.



- EXHIBIT P11 A TRUE COPY OF THE MINUTES OF 122ND MEETING OF SEAC HELD ON 15TH, 16TH, 17TH & 18TH JUNE 2021.
- EXHIBIT P12 A TRUE COPY OF THE MINUTES OF 124TH MEETING HELD ON 24TH-27TH, AUGUST, 2021.
- EXHIBIT P13 A TRUE COPY OF THE MINUTES OF THE 130TH SEAC HELD ON 4TH AND 6TH JULY 2022.
- EXHIBIT P14 A TRUE COPY OF THE MINUTES OF THE 134TH MEETING OF SEAC, HELD ON 19TH-11TH NOVEMBER 2022.
- EXHIBIT P15 A TRUE COPY OF THE MINUTES OF 121ST MEETING SEIAA HELD ON 29 & 30 DECEMBER 2022.
- EXHIBIT P16 A TRUE COPY OF THE ORDER NO 1277(A)/EC2/2019/SEIAA, DATED 14.02.2023 ISSUED BY THE 1ST PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT P17 A TRUE COPY OF THE MINUTES OF 125TH MEETING OF SEIAA HELD ON 28TH-29TH DAY OF MARCH, 2023.
- EXHIBIT P18 A TRUE COPY OF THE MINUTES OF 126TH MEETING OF SEIAA HELD ON 22.04.2023.
- EXHIBIT P19 A TRUE COPY OF THE MINUTES OF 144TH MEETING OF SEAC HELD ON 6TH TO 8TH JUNE 2023.
- EXHIBIT P20 A TRUE COPY OF THE 151ST MEETING OF SEAC, DATED 16TH, 17TH AND 18TH OCTOBER 2023.
- EXHIBIT P21 A TRUE COPY OF THE MINUTES OF 156TH MEETING OF SEAC HELD ON 5TH AND 6TH JANUARY 2024.



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| EXHIBIT P22 | A TRUE COPY OF THE MINUTES OF 138TH MEETING OF SEIAA HELD ON 27TH AND 28TH FEBRUARY, 2024. |
| EXHIBIT P23 | A TRUE COPY OF THE NOTICE, DATED 09.01.2024 ISSUED BY THE 1ST RESPONDENT. |
| EXHIBIT P24 | A TRUE COPY OF THE REPORT, DATED 24.02.2024 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT. |
| EXHIBIT P25 | A TRUE COPY OF THE ORDER, DATED 27.06.2024. |