

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Con.Case(C).No. 1331 of 2014 (S) IN WP(C).4460/2014

PETITIONER(S)/PETITIONER IN WPC:

**MATHEWS THOMAS
PROPRIETOR, ST.THOMAS TIMBER INDUSTRIES, PARUTHUMAPARA
KUZHIMATTOM P.O., KOTTAYAM DISTRICT -686 016.**

**BY ADVS.SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY**

RESPONDENT(S)/2nd RESPONDENT IN WPC:

**K.G. SAJEEV
ENVIRONMENTAL ENGINEER
THE KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ST.ANTONY'S COMPLEX, NAGAMPADAM
KOTTAYAM - 686 001.**

BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ALEXANDER THOMAS, J.

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Contempt Case (C) No.1331 of 2014
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Dated this the 10th day of April, 2015

J U D G M E N T

This contempt application is filed by the writ petitioner in W.P.(C).No.4460/2014 alleging that the respondent herein has deliberately disobeyed the directions issued by this Court in Anx.IV order rendered on 21.8.2014 on I.A.No.11370/2014 in W.P.(C).No. 4460/2014.

2. Earlier this Court had passed Anx.II order dated 14.2.2014 in W.P.(C).No.4460/2014 directing that there will be stay of all further proceedings pursuant to Ext.P-9. In Ext.P-9 order, the respondent Pollution Control Board had issued notice dated 25.1.2014 proposing to withdraw the environmental consent issued by them to the writ petitioner's saw-mill on the ground that the continued functioning of the petitioner's saw-mill would be in violation of Ext.P-10 judgment dated 3.4.2001 in O.P.No.27582/2000. Ext.P-10 judgment was not a judgment, in which the present petitioner was a party, but the contesting respondent therein happened to be the predecessor owner of the landed property, in which the petitioner's saw-mill is now being operated. In view of the

stay order dated 14.2.2014, it was submitted by the petitioner that the respondent could not have acted on the basis of the said Ext.P-10 judgment. Later, the respondent issued Anx.III consent refusal intention notice dated 7.8.2014 ordering that they are issuing said adverse proceedings against the petitioner on the basis of the above said Ext.P-10 judgment. In these circumstances, this Court passed Anx. IV order dated 21.8.2014 in the Writ Petition directing that the above said Anx.III order will stand stayed in view of the earlier stay order and that the respondent Pollution Control Board will consider the application of the petitioner submitted for renewal of the consent for operate and pass appropriate orders in accordance with law, within two weeks from the date of production of a copy of the said order.

3. It is submitted that in stead of complying with the said stay order, the respondent again issued Anx.V order dated 20.9.2014 again reiterating that adverse proceedings have to be taken against the petitioner on the basis of Ext.P-10 judgment, etc. It is in these background that the Contempt Case is instituted before this Court.

4. When the matter came up for consideration on 27.3.2015, it was submitted by the learned Standing Counsel for the

Kerala State Pollution Control Board, on behalf of the respondent, that necessary action for compliance of Anx.IV order passed by this Court will definitely be taken by the respondent without taking into account the judgment dated 3.4.2001 in O.P.No.27582/2000 [produced as Ext.P-10 in W.P.(C).No.4460/2014] so long as the above stay orders are in force and that the respondent will consider all relevant aspects of the matter and comply with the aforementioned Anx.IV order in the matter of consideration and passing of orders on the application of the petitioner for renewal of the consent, in accordance with law. On that day it was also submitted by the respondent that necessary directions have been given by the Pollution Control Board to the petitioner as per letter No.PCB/KM/10/130/2009 dated 25.3.2015 and that it is for the petitioner to comply with the requirements of the said directions in the letter dated 25.3.2015 and thereafter, the respondent will consider the matter further based on such compliance that may be done by the petitioner. The petitioner then submitted that he wanted specific clarifications from the respondent as to the exact specification of the steps to be taken by him in compliance with the said letter dated 25.3.2015. The respondent then undertook that he would give necessary directions in that regard in writing to the

petitioner on or before 30.3.2015 and that the petitioner can collect such written communication from the office of the respondent on 30.3.2015 at 4 p.m.

5. When the contempt case came up today for consideration the learned counsel for the petitioner submitted that the respondent has now issued a letter No.PCB/KTM/CO/130/2009 dated 30.3.2015 giving the specifications of the control measures to be complied with by the petitioner. The petitioner now submits that he would take further steps in compliance with the requirements in the above said letter dated 30.3.2015, for which a reasonable time of 2 months may be required. The learned Standing Counsel for the Kerala State Pollution Control Board then submitted on behalf of the respondent that as and when the petitioner completes the steps in regard to the requirements in the above said letter dated 30.3.2015, the petitioner should inform the respondent in writing about the exact steps taken by him in that regard along with the details and in that eventuality, the respondent will consider the renewal application and may have to conduct inspection, if so found necessary, and then take a decision on the application of the petitioner's request for renewal of consent. It is also submitted by the learned Standing Counsel for the respondent Board that as the

respondent could not comply with Anx.IV order within the time limit stipulated by this Court and as more time is required as stated above, the respondent would not take any adverse coercive steps as against the petitioner until orders are passed on the application of the petitioner as stated above.

6. In view of these submissions, it is found that it is not expedient to keep the contempt proceedings pending any further. On the petitioner completing the requisite steps as stated above, the respondent shall take further action in the matter as submitted by them, in accordance with law. Needless to say that any action taken by the parties in pursuance of the interim orders in the above W.P.C. shall be subject to further orders in the W.P.(C). and shall also be subject to the final outcome in the W.P.(C).

With these observations and directions, the Contempt of Court Case (Civil) stands closed.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge