

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

RP.No. 861 of 2015 () IN WP(C).17057/2015

AGAINST THE JUDGMENT IN WP(C) 17057/2015 OF THE HIGH COURT OF KERALA
DATED 13-08-2015

REVIEW PETITIONER(S)/RESPONDENTS 4 AND 5:

1. SURESH BABU T.G.
ANAPARAYIL HOUSE, EZHACHERRY P.O., PALA
KOTTAYAM DISTRICT.
2. THOMAS P.M.
PANACHIKKAL HOUSE, EZHACHERRY P.O., PALA
KOTTAYAM DISTRICT.

BY ADV.GEORGEKUTTY MATHEW

RESPONDENT(S)/PETITIONER AND RESPONDENTS 1 TO 3:

1. ANCY JAMES
PROPRIETOR, MADAKKAL INDUSTRIES, EZHACHERRY
P.O.PALA, KOTTAYAM DISTRICT, PIN-686651.
2. RAMAPURAM GRAMA PANCHAYATH
RAMAPURAM BAZAR P.O., PIN-686576
REPRESENTED BY ITS SECRETARY.
3. TALUK DEVELOPMENT COMMITTEE
MEENACHIL TALUK
REPRESENTED BY ITS CONVERNOR TAHSILDAR
MEENACHIL TALUK, PIN-686001.
4. THE POLLUTION CONTROL BOARD
REPRESENTED BY ENVIRONMENTAL ENGINEER
OFFICE OF THE POLLUTION CONTROL BOARD
KOTTAYAM-686001.

R1 BY SRI.P.S.GEORGE

R3 BY GOVERNMENT PLEADER SRI.SOJAN JAMES

R4 BY SRI.M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
13-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

bka/-

RP.No. 861 of 2015

APPENDIX

PETITIONER' (S) ANNEXURES:

ANNEXURE A COPY OF THE NOTICE DATED 24.07.2015 ISSUED BY THE
ENVIRONMENTAL ENGINEER OF POLLUTION CONTROL BOARD TO
THE REVIEW PETITIONERS.

ANNEXURE B COPY OF THE AGREEMENT DATED 30.07.2015 EXECUTED BETWEEN
THE WRIT PETITIONERS AND REVIEW PETITIONERS AND OTHERS

RESPONDENT' (S) ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE

bka/-

A.V. RAMAKRISHNA PILLAI, J.

R.P. No. 861 of 2015

Dated this the 13th day of October, 2015

ORDER

Respondents 4 & 5 in the writ petition are in review.

2. The review petitioners allege that in the order dated 15.07.2015, there was a direction to the Pollution Control Board to conduct the inspection with notice to the review petitioners. According to the review petitioners, no notice on inspection dated 08.08.2015 was given to the review petitioners. They would also point out that there is an adverse remark in the judgment against the counsel appearing for the review petitioners that the counsel did not cooperate with the inspection. It is alleged that no notice was given to the counsel for the petitioners.

2. Today, when the matter came up for hearing, the learned Standing Counsel for the respondent Pollution Control Board submits that the inspection was on 03.08.2015 and not on 08.08.2015. Therefore, this Court

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is of the view that the observation in para 7 of the judgment that the learned counsel for the party respondent kept away from inspection can be deleted.

3. Though the learned counsel for the review petitioners would submit that there was an agreement between the parties and the same was not adverted to in the judgment and the review petitioners are aggrieved by the action now taken by the Pollution Control Board and the local authorities, this Court is of the view that there is no scope for review as there is no error apparent on the face of the record.

Therefore, reserving the right of the review petitioners to redress their grievance in appropriate proceedings against the action now taken by the Pollution Control Board and the local authorities, the review petition is disposed of deleting the first sentence of para 7 of the judgment impugned.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-