

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 1421 of 2012 (C)

PETITIONER:

**PHILIP KURUVILLA, AGED 66 YEARS
S/O.KURUVILLA, URUMBIL HOUSE, KALLORKULAM P.O.
AKALAKUNNAM VILLAGE, AKALAKUNNAM, KOTTAYAM DIST-686503**

**BY ADV. SRI.SURIN GEORGE IPE
RESPONDENT(S):**

- 1. STATE OF KERALA
REP.BY ITS SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -1**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM -1**
- 3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, KOTTAYAM
DISTRICT OFFICE, ST.ANTONY'S COMPLEX, NAGAMPADOM
KOTTAYAM-1**
- 4. THE DISTRICT MEDICAL OFFICER(HEALTH)
DISTRICT HOSPITAL BUILDINGS, K.K.ROAD, KOTTAYAM -1**
- 5. AKALAKUNNAM GRAM PANCHAYATH
REP.BY ITS SECRETARY
GRAMA PANCHAYATH OFFICE MANALUMKAL P.O.
KOTTAYAM - 686503**
- 6. SECRETARY, AKALAKUNNAM GRAMA PANCHAYATH
GRAMA PANCHAYATH OFFICE, MANALUMKAL P.O.
KOTTAYAM-686503**
- 7. KOZHUVANAL CRUSHING ENTERPRISES
KOZHUVANAL P.O., 686521, AKALAKUNNAM VILLAGE
AKALAKUNNAM , KOTTAYAM DIST
REP.BY ITS MANAGING PARTNER, GEORGE JOSEPH.**

**R3 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
R7 BY ADV. SRI.K.B.GANGESH
R7 BY ADV. SMT.SMITHA CHATHANARAMBATH
R5 TO R6 BY ADV. SRI.ALEX.M.SCARIA
R1,R2 & R4 BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL
BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1:-** PHOTOGRAPHS SHOWING THE STRUCTURES AND SURROUNDINGS,
- EXT.P1(A):-** PHOTOGRAPHS SHOWING THE STRUCTURES AND SURROUNDINGS,
- EXT.P1(B)-** PHOTOGRAPHS SHOWING THE STRUCTURES AND SURROUNDINGS,
- EXT.P2:-** PHOTOGRAPHS SHOWING PROXIMITY OF THE STRUCTURES AND THE UNIT WITH THE PUBLIC ROAD AND STOCKING OF MATERIALS OF ROAD,
- EXT.P2(A):-** PHOTOGRAPHS SHOWING PROXIMITY OF THE STRUCTURES AND THE UNIT WITH THE PUBLIC ROAD AND STOCKING OF MATERIALS OF ROAD,
- EXT.P2(B):-** PHOTOGRAPHS SHOWING PROXIMITY OF THE STRUCTURES AND THE UNIT WITH THE PUBLIC ROAD AND STOCKING OF MATERIALS OF ROAD,
- EXT.P3:-** TRUE COPY OF THE REPRESENTATION DTD NIL FILED BEFORE THE RESPONDENT 5 & 6
- EXT.P4:-** TRUE COPY OF THE REPRESENTATION DTD NIL FILED BEFORE THE 3RD RESPONDENT.
- EXT.P5:-** TRUE COPY OF THE INFORMATION NO.PCB/KTM/E-191/06/RTI-129/2011 DTD 25/11/2011
- EXT.P6:-** TRUE COPY OF THE INFORMATION NO.A1.3924/11 DTD 15/12/2011
- EXT.P7:-** TRUE COPY OF THE CIRCULAR NO.PCB/TAC/ST.CR.COM/65/2005 DTD 24/11/2009.
- EXT.P8:** COPY OF INFORMATION ISSUED BY RESPONDENTS 5 AND 6 ON 23.7.2012

RESPONDENTS' EXHIBITS :

- EXT.R6(A):** COMMUNICATION OF CORRIGENDUM DATED 6/2/2012 IN RESPECT OF EXHIBIT P6, TO THE PETITIONER BY THE 6TH RESPONDENT
- EXT.R7(A):** COPY OF THE CERTIFICATE OF REGISTRATION AS SMALL SCALE INDUSTRY BY DEPARTMENT OF INDUSTRIES DATED 30.12.1989.

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EXT.R7(B) :COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD DATED 22.8.2012.

EXT.R7(C): COPY OF THE LICENCE ISSUED BY THE PANCHAYATH DATED 22.6.2011.

EXT.R7(D): COPY OF THE LICENCE ISSUED BY THE PANCHAYATH DATED 3.9.2012

/TRUE COPY/

P.A. TO JUDGE

P.V.ASHA, J.

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Dated this the 28th day of May, 2015

JUDGMENT

The petitioner approached this court against the 7th respondent who is running a stone crusher unit, alleging that the same is being operated without a license or necessary permission from the Pollution Control Board. Serious allegations are levelled against the 7th respondent in operating the stone crushing unit in a strictly populated area alleging various illegalities in the running of the crusher unit.

2. Panchayath as well as the 7th respondent have filed a counter affidavit. The counter affidavit filed by the 7th respondent shows that licence has been issued from time to time by the Panchayath, as evident from Ext.R7(c) and R7(d). As far as the clearance from Pollution Control Board is concerned, 7th respondent has produced Ext.R7(b) granting consent to the 7th respondent for a period up to 30.6.2015.

3. I heard the learned counsel appearing on either side. The apprehension of the petitioner is that the 7th respondent is running the crusher unit without necessary permit and clearance from the statutory authorities. In the event of any such occasion,

it is up to the petitioner to approach the appropriate authorities.

In case there is no permit for functioning of the unit, there is no reason for me to assume that the statutory authorities like respondents 2,3 and 6, will not take appropriate action as per rules or that the authorities will grant permit without complying with the statutory formalities.

Accordingly this writ petition is closed.

Sd/-
P.V.ASHA, JUDGE

SKV