

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

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

WA.No. 829 of 2015 ()

WP(C) 35098/2014 of THIS HONOURABLE COURT

APPELLANT/PETITIONER :

BINUKUMAR P., AGED 43 YEARS,
S/O.PARAMESWARAN NADAR, BS PALACE,
MULLUVILA THEKKETHIL, VENGANOOR P.O.,
THIRUVANANTHAPURAM.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENTS/RESPONDENTS :

1. VENGANOOR GRAMA PANCHAYAT
REPRESENTED BY SECRETARY, VENGANOOR,
THIRUVANANTHAPURAM-695523.
2. THE SECRETARY
VENGANOOR GRAMA PANCHAYAT, VENGANOOR
THIRUVANANTHAPURAM-695523.
3. ANEESH N.S.
S/O.NELSON, S.N.BHAVAN, AMARAVILA
VENGANOOR P.O., THIRUVANANTHAPURAM-695523.
4. ANILKUMAR
S/O.SASIDHARAN, THEKKEVILAKATH MELE VEEDU,
VENGANOOR P.O., THIRUVANANTHAPURAM, WARD NO.14
VENGANOOR GRAMA PANCHAYAT-695523.
5. G.CHANDRAN
S/O.GANGADHARAN, MULLUVILA VEEDU, CICILIPURAM
VENGANOOR P.O., THIRUVANANTHAPURAM-695523.

WA.No. 829 of 2015 ()

**6. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE, PLAMOODU JUNCTION, PATTOM P.O.,
THIRUVANANTHAPURAM-695004.**

**R1 & R2 BY ADV. SRI.POOVAPPALLY M.RAMACHANDRAN NAIR
BY ADV. SRI.R.V.ABHISHEK
BY SRI.R.GOPAN**

R6 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BO

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

bp

**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

W.A.No.829 of 2015

Dated this the 28th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the parties.

2. This writ appeal has been filed by the petitioner in W.P.C.No.35098/2014 challenging the judgment dated 04/03/2015. The writ petition was filed seeking to quash Ext.P8 order by which the Tribunal dismissed the revision petition. The petitioner who was running a pig farm was directed by the Tribunal to dispose the pigs available in the farm within two weeks, failing which Panchayath was permitted to proceed against the petitioner under Rule 12 of the Kerala Panchayat (Licensing of Livestock Farms) Rules 2012. The revision petitioner was also given liberty to get clearance of the Kerala State Pollution Control Board by providing proper waste disposal mechanism and in the event

such clearance was granted, the Panchayath was permitted to reconsider the application for licence filed by the petitioner. The said order was challenged by the petitioner before the learned Single Judge. The learned Single Judge dismissed the writ petition. However, considering the submission of the petitioner that certain breathing time be granted to shift the pig farm, one month time was allowed from the date of receipt of the copy of the judgment. One month time was availed by the petitioner. Petitioner, aggrieved by the said order, has filed this appeal.

3. Appellant's case is that he has already submitted an application before the Pollution Control Board for NOC which was ultimately granted and the same was submitted before the Panchayath which is under consideration. Having considered the aforesaid facts, this Court also extended time to comply with the order passed by the Panchayath till 22/05/2015. Panchayath, after considering the application filed by the petitioner, took a unanimous decision not to

issue pig farm licence to the petitioner alleging that it causes health hazard.

In view of the order passed by the Panchayath rejecting the application for licence, the order passed by the learned Single Judge has already exhausted. There being no licence to the petitioner, he cannot be allowed to run the pig farm. Hence we do not find any merit in the appeal. The writ appeal is dismissed. The dismissal of the writ appeal, however, shall not preclude the appellant to challenge the order of the Panchayath, in accordance with law.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

