

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WA.No. 1873 of 2015 () IN WP(C).5703/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 5703/2015 of HIGH COURT OF KERALA
DATED 01-06-2015**

APPELLANT(S)/RESPONDENT:

**URANGATTIRI GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, P.O.URANGATTIRI-673639
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.M.JAMALUDHEEN

RESPONDENT(S)/PETITIONER:

**P.M.R.GRANITES INDIA PRIVATE LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR
P.M.ABDUL SHUKKOOR, 3/322, P.M.ARCADE
MELMURI P.O., MALAPPURAM DISTRICT-673639.**

BY SMT.M.R.SREELATHA

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 1873 of 2015

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Dated this, the 21st day of August, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the appellant as well as the learned counsel appearing for the respondent/writ petitioner.

2. This writ appeal has been filed against judgment dated 1st June, 2015 in WP(C) No.5703/2015. The respondent to the appeal was the writ petitioner who filed the writ petition praying for quashing Exts.P12 and P13 by which, on the basis of the report of sub committee, Panchayat took a decision not to grant renewal of licence and further to stop construction activities of P.M.R.Granites India Company taking place on the basis of the licence dated 26th April, 2014. Further, it was resolved that the meeting be arranged in the presence of the District Collector and the protestors and management be informed. Petitioner challenging the said order pleaded in the writ petition that they have all necessary licence granted from competent authority

including the permission from Pollution Control Board and clearance from the State Environment Impact Assessment Authority. Licence was also granted by the local authority, Chief Town Planner etc., and the petitioner was in the process of completing the crusher unit when Panchayat has taken a decision to suspend the operation. Learned Single Judge after hearing the parties found that petitioner having obtained all statutory permission and licence were entitled to carry on their work and sufficient grounds were made out to quash Exts.P12 and P13. Panchayat aggrieved by the said judgment has come up in the appeal.

3. Learned counsel for the Panchayat submitted that the Panchayat took a decision on account of public protest and Sub Committee was also constituted, which inspected the spot and thereafter recommended for non renewal and cancelling of the licence.

4. We have considered the submission of the learned counsel for the appellant and perused the records.

5. There is no issue in the appeal as to non fulfilment of

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any statutory requirement by the writ petitioner of obtaining necessary licences/permissions under the relevant statute. Panchayat also had granted licence. On the mere ground that due to public protest, a decision was taken by the Panchayat does not appeal to us. The statutory authorities are required to act in accordance with the statute and their decision has to be guided by the statutory requirement. Public protest and public agitation cannot dissuade them from following the statutory requirement and it shall be unsafe to take decision on the basis of public agitation and protest without looking into the statutory requirement as to whether person before the statutory authority fulfilled the statutory requirements and norms. We, thus, are of the view that no error has been committed by the learned Single Judge in allowing the writ petition and setting aside Exts.P12 and P13.

6. With the above observation, the writ appeal is dismissed.

Learned counsel for the appellant further submits that the writ petitioner has filed a contempt petition and learned Single

W.A. No.1873/15

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Judge has granted only one month's time to take a decision, which may be extended. We, thus, grant further 15 days time to the Panchayat to comply with the judgment of the learned Single Judge.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge