

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 498 of 2015 (J)

PETITIONER :

**M.UNNIKRISHNA MENON, AGED 70 YEARS,
S/O. KOCHUNNI KARTHA, RESIDING AT 'PRANAVAM'
PALIYAM ROAD, THRISSUR-680001.**

**BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU**

RESPONDENTS :

- 1. THE THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE, THRISSUR-680001.**
- 2. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER,
6TH FLOOR SUN TOWER, EAST FORT.P.O., THRISSUR-680005.**

**R1 BY ADV. SRI.K.P.MJAYAN, SC,
BY ADV. SRI.V.N.HARIDAS
R2 BY SRI.M.AJAY, SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE BUILDING PERMIT GRANTED TO THE PETITIONER DATED 9-8-2012.
- P2: TRUE COP OF TWO PHOTOGRAPHS OF THE STRUCTURE.
- P3: TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE 2ND RESPONDENT DATED 11-2-11.
- P4: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DATED 7-3-2013.
- P5: TRUE COPY OF THE CONSENT VARIATION ORDER DATED 7-9-2013.
- P6: TRUE COPY OF THE STATEMENT ISSUED BY M/S. CINZAC ENGINEERS TOWARDS PAYMENT MADE BY THE PETITIONER DATED 19-12-14.
- P7: TRUE COPY OF THE COVERING LETTER SUBMITTED ALONG WITH THE APPLICATION DATED 28-5-2014.
- P8: TRUE COPY OF THE COMMUNICATION DATED 5-8-2014.
- P9: TRUE COPY OF THE LETTER ADDRESSED TO THE 2ND RESPONDENT DATED 18-8-2014.
- P10: TRUE COPY OF THE RECOMMENDATION MADE BY THE 1ST RESPONDENT DATED 20-9-2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.498 OF 2015
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Dated this the 16th January, 2015

J U D G M E N T

The delay on the part the second respondent/Pollution Control Board in granting necessary '**consent to operate**' the sewage treatment plant in connection with the apartment complex constructed by the petitioner, is the subject matter of challenge in this writ petition. Based on Ext.P1 building permit, the petitioner put up an apartment complex which is having basement, ground floor and 11 other floors and the same is situated within the area and jurisdiction of the first respondent/Thrissur Corporation. So as to facilitate proper and effective waste disposal, a sewage treatment plant was set up by the petitioner. The second respondent/Pollution Control Board issued Ext.P3 consent to establish as early as on 11.02.2011. After effecting completion, the same was caused to be inspected by the second respondent, who issued Ext.P5 consent variation order on 07.09.2013. The requirements pointed out by the second respondent were satisfied and the matter was informed to the second respondent/Pollution Control Board to issue consent to operate. As per Ext.P8 communication, the petitioner

was required to cure certain other defects as well. According to the petitioner, all the defects have been cured and the matter has been reported to the second respondent vide Ext.P9. But the second respondent has not taken any positive action so far.

2. Heard the learned Government Pleader as well as the learned Standing Counsel for the second respondent. .

3. The learned Counsel for the petitioner points out that because of the delay, the respondent Corporation has not numbered the building and Occupancy Certificate is still to be given, though recommendation has already been forwarded to the Fire Department for further action reporting compliance of all necessary requirements.

4. The learned Standing Counsel for the second respondent submits that the sketch submitted by the petitioner does not tally with Ext.P5 and as such the second respondent is not in a position to give consent to operate and the competent authority to consider the matter is the High Power Committee. In the said circumstance, the proceedings have already been forwarded to the High Power Committee and as and when the clearance is obtained, the grievance of the petitioner will be

redressed in terms of the order to be passed by the High Power Committee

5. After hearing both the sides, the writ petition is disposed of directing the competent authority representing the High Power Committee to cause the matter to be considered, passing appropriate orders, which shall be done at the earliest, at any rate, within one month from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent/Pollution Control Board for further steps.

**P.R.RAMACHANDRA MENON
JUDGE**

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