

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 2712 of 2015 (L)

PETITIONER:

M/S.CHESHHTASYA MAINTENANCE AND SERVICES (P) LTD,
KUMBAM, KALLUKAYATTAM, THODUPUZHA EAST P.O.,
THODUPUZHA, IDUKKI DISTRICT,
REP. BY ITS MANAGING DIRECTOR, MANOJ P.M,
AGED 42 YEARS, S/O.MADHAVAN,
KUMBAM, KALLUKAYATTAM, THODUPUZHA EAST P.O.,
THODUPUZHA, IDUKKI DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001

2. THE THODUPUZHA MUNICIPALITY ,
REP. BY ITS SECRETARY, THODUPUZHA P.O.,
IDUKKI DISTRICT 685 584

3. THE KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, IDUKKI,
REP. BY ITS ENVIRONMENTAL ENGINEER,
ANAKOODU JUNCTION, THODUPUZHA, IDUKKI - 685 584

R2 BY ADV. SRI.P.K.SOYUZ,THODUPUZHA MUNICIPALITY
R BY SRI. JUSTIN JACOB, GOVERNMENT PLEADER
R BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

P1- A TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT DATED 29.8.2014.

P2- A TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT DATED 29.8.2014.

P3- A TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT DATED 13.8.2014.

P4- A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 24.12.2014.

P5- A TRUE COPY OF NOTICE SERVED ON THE PETITIONER FROM THE THIRD RESPONDENT DATED 16.12.2014.

P6- A TRUE COPY OF THE COMMUNICATION OF THE SECOND RESPONDENT WITH TRANSLATION DATED 6.12.2014.

P7- A TRUE COPY OF THE COMMUNICATION OF THE THIRD RESPONDENT DATED 12.1.2015.

P8- A TRUE COPY OF THE NOTICE WITH TRANSLATION ISSUED DATED 14.1.2015

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 2712 of 2015 (L)

Dated this the 5th day of February, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for respondents 2 and 3, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a limited Company, is engaged in the manufacturing and installation of flex boards, having a valid licence issued by the second respondent Municipality.

3. The second respondent, however, issued Ext.P8 closure notice to the petitioner on the ground that the petitioner has been using three motors having ½ HP powers in the premises. Assailing Ext.P8, the petitioner has approached this Court.

4. The learned counsel for the petitioner has contended

that licence dated 13.08.2014 issued by the second respondent Municipality does not interdict the petitioner from using any power driven motors in the premises. At any rate, he has further submitted that the petitioner has already submitted Ext.P4 application before the 3rd respondent, which is yet to consider it for granting consent to operate.

5. In any event, on 30.01.2015, this Court issued an interim order keeping Ext.P8 in abeyance for a period of one week. The learned counsel for the 3rd respondent submits that Ext.P4 application is under the active consideration of the 3rd respondent, and that soon the authorities will pass appropriate orders thereon.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing Counsel for respondents 2 and 3, this Court disposes of the writ petition with a direction to the 3rd respondent to consider the petitioner's Ext.P4 application in accordance with law and pass appropriate orders thereon, as

expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. It is made clear that until the 3rd respondent passes orders on Ext.P4, the interim order granted on 30.01.2015 keeping Ext.P8 in abeyance shall continue.

sd/- DAMA SESHADRI NAIDU, JUDGE.