

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 3590 of 2014 (W)

PETITIONER :

**JOSE EDAVANAPARAMBIL, S/O.JOSEPH, AGED 62 YEARS,
EDAVANAPARAMBIL HOUSE, PULLOORAMPARA P.O.,
THIRUVAMBADY -VIA, KOZHIKODE DISTRICT, PIN-673 603**

BY ADV. SMT.JAYASREE MANOJ

RESPONDENT(S):

- 1. THIRUVAMBADY GRAMA PANCHAYAT,
THIRUVAMBADY P.O, KOZHIKODE DISTRICT,
PIN-673 603, REPRESENTED BY ITS SECRETARY.**
- 2. THIRUVAMBADY GRAMA PANCHAYAT COMMITTEE,
REPRESENTED BY ITS CHAIRPERSON,
THIRUVAMBADY P.O., KOZHIKODE DISTRICT, PIN-673 603.**
- 3. KERALA STATE POLLUTION CONTROL BOARD,
RAILWAY STATION LINK ROAD, KOZHIKODE-673 001,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER.**

**R1 & R2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.T.K.BIJU (MANJINIKARA)
R3 BY SRI.JOICE GEORGE, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE PHOTOCOPY OF THE CONSENT NO.PCB/KKD/DO/CO/817/08 DATED 6-3-2009 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXT.P2 - TRUE PHOTOCOPY OF THE CONSENT ORDER NO.PCB/KKD/DO/ICO-R1/817/2012 DATED 13-4-2012 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXT.P3 - TRUE PHOTOCOPY OF THE ORDER NO.A1-8862/13 DATED 6-1-2014 ISSUED BY THE 1ST RESPONDENT.
- EXT.P4 - TRUE PHOTOCOPY OF THE APPLICATION DATED 20-1-2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT IN FORM NO.1.
- EXT.P4(A) - TRUE PHOTOCOPY OF THE APPLICATION DATED 20-1-2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT IN FORM NO.2.
- EXT.P4(B) - TRUE OF THE RECEIPTS BEARING INWARD NO.941 AND 1039 OF 2014 DATED 20-1-2014 AND 22-1-2014 ISSUED BY THE 1ST RESPONDENT
- EXT.P5 - TRUE COPY OF THE APPEAL DATED 20-1-2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.3590 of 2014

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Dated this the 24th day of March, 2015

JUDGMENT

Aggrieved by the non-consideration of Exts.P5 appeal, P4 and P4 (a) applications submitted by the petitioner before the second respondent, the petitioner has come up before this Court.

2. The petitioner alleges that he is running a piggery by complying with all the conditions insisted by the Pollution Control Board in Ext.P2 consent to operate. There is neither water, air nor environmental pollution from the piggery of the petitioner, since he has complied with all the conditions. It is alleged that either at the time of issuing Ext.P1 or its renewal as per Ext.P2, the Kerala Panchayat Raj (Issuance of Licence to Livestock Farms) Rules, 2012 was not in force. Therefore, the petitioner who has less than 4th standard education was not aware about the requirement of securing licence of the panchayat, as contemplated under the aforesaid Rules.

3. However, alleging that the petitioner had failed to obtain the licence of the panchayat as contemplated under the above Rules, the Secretary of the panchayat issued Ext.P3 order directing the petitioner to close down the functioning of the piggery forthwith and to report its compliance within 15 days.

4. The petitioner points out that on receipt of Ext.P3, he submitted Exts.P4 and P4(a) applications as contemplated under Forms 1 and 2 of the aforesaid Rules. He also submitted Ext.P5 appeal before the second respondent, the statutory appellate authority, against the operation of Ext.P3. However, they could not evoke any positive response. It is with this background, the petitioner has approached this Court.

5. Today when the matter came up for hearing, the learned counsel for the respondent panchayat submitted that subsequent to the filing of the writ petition, the petitioner has produced No Objection Certificate (NOC) from the Pollution Control Board.

In the light of the said submission, the writ petition is disposed of directing the respondent panchayat to see whether the conditions made mention of in the NOC have been complied with and if the same is complied with, Exts.P4, P4(a) and Ext.P5 shall be disposed of in accordance with law, without further delay.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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