

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 3973 of 2015 (V)

PETITIONER:

**JAISON THOMAS, AGED 45 YEARS,
S/O.SRI.THOMAS, CHULLIYADAN HOUSE,
CHILAVANNOOR ROAD, KADAVANTHARA,
ERNAKULAM DISTRICT, KOCHI-682 020.**

**BY ADVS.SRI.ANTONY MUKKATH
SRI.K.R.RANJITH
SRI.C.PANIL RAJ
SRI.JOS LEO JOSE**

RESPONDENT(S):

- 1. CORPORATION OF KOCHIN,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE, ERNAKULAM, KOCHI-11.**
- 2. CHIEF ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
GANDHI NAGAR, ERNAKULAM, COCHI-682 020.**

**R1 BY SRI.P.K.SOYUZ,SC
R2 BY SRI. M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: PHOTOCOPY OF THE PERMIT NO.FCP2-706/2011 DATED 13.12.2011 OF THE 1ST RESPONDENT.
- EXHIBIT P2: PHOTOCOPY OF THE RECEIPT NO.16652 DATED 30.03.2013 OF THE 1ST RESPONDENT.
- EXHIBIT P3: PHOTOCOPY OF THE NO OBJECTION DATED 15.02.2012 ALONG WITH ENGLISH TRANSLATION.
- EXHIBIT P4: PHOTOCOPY OF THE NOTICE NO.W.Z.H. 5/142/14 DATED 24.11.2014 OF THE 1ST RESPONDENT WITH ENGLISH TRANSLATION.
- EXHIBIT P5: PHOTOCOPY OF THE APPLICATION DATED 04.12.2014 FOR CONSENT OF THE PETITIONER.
- EXHIBIT P6: PHOTOCOPY OF THE REPRESENTATION DATED 05.12.2014 WITH ENGLISH TRANSLATION.
- EXHIBIT P7: PHOTOCOPY OF DEMAND DRAFT DATED 04.12.2014.
- EXHIBIT P8: PHOTOCOPY OF THE RECEIPT DATED 04.12.2014 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P9: PHOTOCOPY OF THE NOTICE NO.PCB/EKM/DO-1/OA-351/14 DATED 03.02.2015.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

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DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3973 of 2015

Dated this the 09th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, 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 is said to have established an Automobile Workshop within the territorial limits of the respondent Corporation. He is said to have applied, through Exhibit P5, to the second respondent to have a certificate of consent to operate. The petitioner's grievance is that before his application could be processed by the second respondent and the necessary consent given, the first respondent Corporation issued Exhibit P4

notice seeking closure of the Workshop on the ground of non-production of the consent to operate from the second respondent. Aggrieved thereby, the petitioner, laying challenge against Exhibit P4, has approached this Court.

3. The learned counsel for the second respondent has submitted that the second respondent is willing to consider Exhibit P4 application of the petitioner on merits and pass appropriate orders thereon in a short time. The learned counsel for the first respondent Corporation, on his part, has submitted that the petitioner is not entitled to run the Workshop without a certificate of consent from the second respondent.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondents, without expressing any opinion on the merits of the matter, this Court disposes of the present writ petition with a direction to the second respondent to consider Exhibit P5 application of the petitioner in accordance with law, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of three weeks from the date of

receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-