

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937**

**WP(C).No. 4283 of 2015 (I)**  
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**PETITIONER :**  
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**SALIM MUHAMMED, AGED 40 YEARS,  
S/O.MUHAMMED, KUNNASSERYPALLAM,  
THOTTUMUGHAM P.O., ERNAKULAM -683 105.**

**BY ADV. SRI.G.SANTHOSH KUMAR**

**RESPONDENT(S):**  
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- 1. THE KERALA STATE POLLUTION CONTROL BOARD,  
REP. BY MEMBER SECRETARY, HEAD OFFICE,  
THIRUVANANTHAPURAM - 695 001.**
- 2. THE KERALA STATE POLLUTION CONTROL BOARD,  
REP. BY THE SENIOR ENVIRONMENTAL ENGINEER,  
DISTRICT OFFICE, ERNAKULAM - 20.**
- 3. KEEZHMAD GRAMA PANCHAYATH,  
REP. BY ITS SECRETARY,  
THOTTUMUGHAM P.O.,ERNAKULAM - 683 105.**
- 4. SECRETARY,  
KEEZHMAD GRAMA PANCHAYATH,  
THOTTUMUGHAM P.O.,ERNAKULAM - 683 105.**
- 5. THE ASSISTANT ENGINEER,  
SECTION OFFICE (CODE 5567)  
KERALA STATE ELECTRICITY BOARD, ALUVA-683 101.**

**R1 & R2 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD  
R3 & R4 BY ADV. SRI.S.SHANAVAS KHAN  
R5 BY ADV. SMT.NAZEEBA.O.H., KERALA STATE ELECTRICITY BOARD  
SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- EXT.P-1: TRUE COPY OF THE DISABILITY CERTIFICATE DATED 8.9.2010 ISSUED BY THE DEPARTMENT OF HEALTH SERVICES
- EXT.P-2: TRUE COPY OF THE ACKNOWLEDGEMENT DATED 9.2.2012 ISSUED BY THE DEPARTMENT OF INDUSTRIES
- EXT.P-3: TRUE COPY OF THE NOTICE DATED 25.9.2014 ISSUED BY THE 2ND RESPONDENT
- EXT.P-4: TRUE COPY OF THE LETTER DATED 9.10.2014 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT
- EXT.P-5: TRUE COPY OF THE LETTER DATED 14.7.2014 ISSUED BY THE 3RD RESPONDENT
- EXT.P-6: TRUE COPY OF THE RECEIPT DATED 19.7.2014 ISSUED BY THE 3RD RESPONDENT
- EXT.P-7: TRUE COPY OF THE JUDGEMENT DATED 24.10.2014 IN WPC 27915/2014 BEFORE THIS HON'BLE COURT.
- EXT.P-8: TRUE COPY OF THE APPLICATION FOR CONSENT ON 5.2.2015
- EXT.P-9: TRUE COPY OF THE NOTICE DATED 16.1.2015 ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT.
- EXT.P10: TRUE COPY OF THE CONSENT TO OPERATE DATED 12/03/2015 ISSUED BY THE 2ND RESPONDENT

**RESPONDENT(S)' EXHIBITS:** NIL

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/TRUE COPY/

P.A.TO JUDGE

**P.R. RAMACHANDRA MENON J.**

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Dated, this the 23<sup>rd</sup> day of March, 2015

**JUDGMENT**

The petitioner has approached this Court with the following prayers :

- (i) Issue a writ of certiorari calling for the original of Exts. P3 and P9 order issued by the 3<sup>rd</sup> respondent and quashing the same.
- (ii) Issue a writ of mandamus or any other appropriate writ, order directing the respondents not to take any coercive steps against the unit run by the petitioner without proper inspection and without suggesting the remedial measures if any to the petitioner and rendering an opportunity of hearing.
- (iii) To declare that the petitioner has obtained deemed licence for functioning his unit.
- (iv) Issue such other order as this Hon'ble Court deems fit and necessary in the facts and circumstances of the case.

2. When the matter came up for consideration on 11.02.2015, the following order was passed.

"Learned standing counsel for the Pollution Control Board submits that, despite giving specific instructions to comply with various requirements, the same has not been satisfied by the petitioner and hence Ext. P9.

2. The learned counsel for the petitioner rebuts the said submission stating that no notice has ever been served to the petitioner so far.

3. The 2<sup>nd</sup> respondent is directed to file a statement as to the factual particulars, also producing copies of the relevant documents. Urgent notice on admission to the respondents 3 & 4 by speed post returnable within 10 days.

List the matter for further consideration on 23.02.2015. "Status quo" with regard to Ext. P9 shall be maintained till such time."

3. On 06.03.2015, based on the submission made by the learned standing counsel for the Pollution Control Board, it was observed in the following terms :

"Learned standing counsel for the Pollution Control Board submits that the stipulations required to be satisfied by the petitioner as stated, has complied with and intimation was given to the Pollution Control Board on 03.03.2015. It is stated that, necessary

inspection will be conducted immediately and the report will be filed before this Court.

Post after 10 days.

Status quo shall be maintained till the next date of posting."

4. Today when the matter is taken up for consideration, the learned counsel for the petitioner points out that after the inspection conducted by the Pollution Control Board, satisfaction was recorded and accordingly consent to operate was given to the petitioner on 12.03.2015 by the second respondent (which is produced as Ext. P10 along with I.A. No. 4345 of 2015). The prayer is only to cause the application preferred by the petitioner before the 3<sup>rd</sup> respondent Panchayath for issuance of necessary licence to be considered in the light of Ext. P10 and such other relevant documents.

5. The learned standing counsel appearing for the 3<sup>rd</sup> respondent Panchayath submits that the application preferred by the petitioner will be considered within the shortest possible time, at any rate, within one month.

6. In the said circumstances, the writ petition is disposed of, directing the 3<sup>rd</sup> respondent to consider and pass appropriate

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orders on the application preferred by the petitioner for issuance of licence, after hearing, at any rate, within one month from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the 3<sup>rd</sup> respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,  
(JUDGE)**

kmd