

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C) .No. 12257 of 2007 (S)

PETITIONER(S) :

1. FR.LEBERIN YESU R, S/O Y.YESUDAS,
AGED 37, PARISH PRIEST, ST. MARY MAGDALIN'S
CHURCH, PALLITHURA P.O., THIRUVANANTHAPURAM-695586

2. SISTER MARY MAXINE, MOTHER SUPERIOR,
FLOS CARMELI CONVENT.MANAGER - FLOS CARMELI
CONVENT SCHOOL, -TAILORING CLASS, -COMPUTER CLASS
FOR CHILDREN, FLOS CARMELI CONVENT, PALLITHURA P.O
THIRUVANANTHAPURAM-695586.

3. MARY VALSALA, W/O JOHN A.,
HOUSE NO.376, ST.MARY'S LANE, PUDUVALPURAIDAM
PALLITHURA P.O., THIRUVANANTHAPURAM.

4. SHEEBHA RAPHEL, W/O RAHEL,
ANNSWEETY HOUSE, ST.JOHN BRITTO LANE, PALLITHURA P.O.
THIRUVANANTHAPURAM.

5. MARY VIOLET, W/O FRANKLIN GOMEZ,
PUDUVALPURAIDAM, PALLITHURA P.O.
THIRUVANANTHAPURAM-695586.

6. MABLE RAJAN, W/O RAJAN,
KANALPURAMPOKKU, ST.JOHN BRITTO UNIT, PALLITHURA P.O.
THIRUVANANTHAPURAM-695586.

7. USHA ALEX, W/O ALEX ANTONY,
ALISA BHAVAN, PALLITHURA P.O.
THIRUVANANTHAPURAM-695586.

8. FRANKLIN J. PEREIRA, S/O JOSEPH A.
PEREIRA, MYSTICA BHAVAN, ST.JOHN BRITTO LANE
PALLITHURA P.O, THIRUVANANTHAPURAM-695586.

9. MARY GOMEZ, W/O LATE JEROME ANTONY CRUZ,
HEAVEN HOUSE, PUDUVALPURAIDAM, PALLITHURA P.O.
THIRUVANANTHAPURAM.

10. MARY SHEEBA, W/O CHRISTILBOY GOMEZ,
HOUSE NO.54, PALLITHURA P.O.
THIRUVANANTHAPURAM-695586.

WP(C) .No. 12257 of 2007 (S)

11. MABLE YESUDHASAN, W/O YESUDHASAN ANTONY,
KANELPURAMPOKKU, ST.JOHN BRITTO UNIT, PALLITHURA P.O.
THIRUVANANTHAPURAM-695586.

12. GRACY ALOYSIUS, W/O ALOYSIUS,
HOUSE NO.201, GRACY BHAVAN, LOYALS LANE
PALLITHURA P.O., THIRUVANANTHAPURAM-695586.

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.T.RAMPRASAD UNNI

RESPONDENT(S) :

1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY, INDUSTRIES DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE POLLUTION CONTROL BOARD,
THIRUVANANTHAPURAM.

3. M/S. ASHAPURA MINECHEM LTD.,
'VIHARA', TC 5/1170, SURVEY SCHOOL ROAD
AMBLAMUKKU, THIRUVANANTHAPURAM.

ADDL.R4 KINFRA INTERNATIONAL APPAREL PARKS LTD.,
THUMBA, ST. XAVIER'S COLLEGE P.O.,
THIRUVANANTHAPURAM- 695 586
REPRESENTED BY ITS MANAGING DIRECTOR
SHRI A.S. SURESH BABU
(IMPLEADED AS PER ORDER DATED 24.07.2007 IN
I.A.NO.9770 OF 2007)

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
BY ADV. SMT.M.HEMALATHA
BY ADV. SRI.R.S.MADHU
BY ADV. SRI.MAHESH ANANDAKUTTAN
ADDL.R4 BY ADV. SRI.ANIL D. NAIR
ADDL.R4 BY ADV. SRI.E.K.NANDAKUMAR
BY ADV. GOVERNMENT PLEADER MR. P.I. DAVIS
BY SRI.M.K.CHANDRA MOHANDAS, SC, POLLUTION CONTROL BOARD
BY MR. M. AJAY, SC, POLLUTION CONTROL BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, CJ &
P.R. RAMACHANDRA MENON, J.**

.....
W.P.(C)No.12257 OF 2007
.....

Dated this the 16th June, 2015

J U D G M E N T

P.R. Ramachandra Menon, J.

The petitioners have approached this Court with the following prayers:

i) Call for the records leading to the issue of Ext.P3 and quash the same by issuance of writ of certiorari or any other appropriate writ, order or direction;

ii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to pass fresh orders on the issue of consent granted to the industrial unit run by the 3rd respondent;

iii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to forbear the 3rd respondent from functioning the industrial unit run by them as the same is in violation of the Coastal Zone Regulations;

iv) to issue such other writs, orders or

directions as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Heard the learned Counsel for the petitioners as well as the learned Standing Counsel for the respondents. On going through the nature of the pleadings set forth, it appears that nothing survives to be considered in this writ petition, in so far as the challenge raised against Ext.P3 consent to establish no more survives. The consent was issued by the second respondent/Pollution control Board as per Ext.P3 was valid only upto 15.05.2008 and the time has run out.

3. It is brought to the notice of this Court by the learned Standing Counsel for the second respondent/Pollution Control Board that the consent was subsequently renewed. It is seen that no amendment has been brought about by the petitioner. The learned Standing Counsel further submits that, as on date, there is no incriminating circumstance and if at all any subsisting grievance is there, the Pollution Control Board is ready to conduct fresh inspection with notice to both sides and suggest appropriate remedial measures.

In the above circumstance, this Court does not find it necessary to deal with the merits of the case. The writ petition is dismissed as infructuous without prejudice to the rights and liberties of the petitioners, to approach the Pollution Control Board, if any subsisting grievance is there, upon which, necessary inspection shall be conducted by the Board with notice to both the sides and adequate measures shall be taken, if at all any violation of the conditions or relevant provisions of law is involved.

**ASHOK BHUSHAN,
CHIEF JUSTICE.**

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