

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5307 of 2015 (K)

PETITIONER :

**M/S. NEW BHARATH STONE CRUSHER AND
HOLLOW BRICKS INDUSTRIES,
REPRESENTED BY ITS MANAGING PARTNER MATHEW M.PATHROSE,
POOLAKKUTTY P.O., KANNUR-670 650.**

**BY SRI.P.RAVINDRAN,SENIOR ADVOCATE
ADV. SRI.M.R.SABU**

RESPONDENT(S):

- 1. KANICHAR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
KANICHAR P.O., THALASSERY, KANNUR-670 674.**
- 2. SECRETARY, KANICHAR GRAMA PANCHAYAT,
KANICHAR P.O., THALASSERY, KANNUR-670 674.**

**R1 & R2 BY ADV. SRI.CIBI THOMAS
SRI.C.V.ANIL PRAKASH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 23.11.1996.
- EXT.P2: TRUE COPY OF THE PROCEEDINGS OF ENVIRONMENTAL CLEARANCE DATED 15.03.2013.
- EXT.P2(A): TRUE COPY OF THE COVERING LETTER ALONG WITH ENVIRONMENTAL CLEARANCE DATED 06.04.2013.
- EXT.P3: TRUE COPY OF THE CONSENT LETTER ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 15.06.2012.
- EXT.P4: TRUE COPY OF THE CONSENT VARIATION ORDER ISSUED BY THE POLLUTION CONTROL BOARD DATED 19.12.2012.
- EXT.P5: TRUE COPY OF THE LEASE AGREEMENT EXECUTED IN THE GOVT. OF KERALA DATED 27.06.2014.
- EXT.P6: TRUE COPY OF THE CERTIFICATE OF COMPETENCY OF MINES MANAGER.
- EXT.P7: TRUE COPY OF THE NOTICE ISSUED BY THE PANCHAYAT DATED 22.11.2014 AND TRANSLATION OF EXT.P7.
- EXT.P8: TRUE COPY OF THE NOTICE ISSUED BY THE PRINCIPAL SECRETARY TO THE PANCHAYAT DATED 29.10.2014 AND TRANSLATION OF EXT.P8.
- EXT.P9: TRUE COPY OF THE INTERIM ORDER IN WP(C)NO.31598/2014 DATED 26.11.2014.
- EXT.P10: TRUE COPY OF THE PROCEEDINGS DATED AND TRANSLATION OF EXT. P10.
- EXT.P11: TRUE COPY OF THE APPLICATION DATED 16.02.2015 AND TRANSLATION OF EXT.P11.
- EXT.P12: TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT DATED 16.02.2015 AND TRANSLATION OF EXT.P12.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

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P.A.TO.JUDGE

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 5307 of 2015

Dated this the 25th 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 has been running a stone crusher unit with a valid licence issued by the respondent Grama Panchayat under the provisions of the Kerala Panchayat Raj (issue of license to dangerous and Offence Trades and Factories) Rules, 1996. For the year 2014-2015, through Exhibit P10, the Committee of the respondent Grama Panchayat has decided to issue licence to the petitioner. When the second respondent has not implemented Exhibit P10 proceedings issued by the

committee of the Grama Panchayat, the petitioner has filed the present writ petition.

3. Apart from the issue of non-implementation of Exhibit P10, the petitioner has also another grievance that though the petitioner submitted Exhibit P11 application for renewal of licence for the year 2015-2016, the second respondent has not permitted the petitioner to remit the requisite fee, so that the said application could be processed.

4. The learned counsel for the respondent Grama Panchayat, on instructions, has submitted that the second respondent will take all efforts to implement Exhibit P10. He has also further submitted that, if Exhibit P11 application for renewal of licence is in order, the second respondent will also take all further consequential steps in that regard.

5. Based on the submissions of the learned counsel for the first and second respondents, this Court disposes of the writ petition with a direction to the second respondent to implement Exhibit P10 as expeditiously as possible, at any rate, within a period of one week from the date of receipt of a copy of this judgment. It is further made clear that the second respondent shall process Exhibit P11 application filed

by the petitioner, provided it is in order.

With the above observation, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-