

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 5333 of 2015 (N)

PETITIONER:

RAJAN BALU C.S. AGED 45 YEARS,
S/O.CHINNAYYAN, KRISHNA BHAVAN,
PAMAMKODU CHOOZHATTUKOTTU, MALAYINKEEZH P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN-695 571.

BY ADVS.SRI.T.M.RAMAN KARTHA,
SMT.O.A.NURIYA

RESPONDENTS:

1. KERALA POLLUTION CONTROL BOARD,
DISTRICT OFFICE, T.C.12/96(4, 5) PLAMOODU,
PATTOM.P.O., THIRUVANANTHAPURAM,
PIN-695 004 REPRESENTED BY ITS CHAIRMAN.
2. ENVIORNMENTAL ENGINEER, KERALA POLLUTION CONTROL BOARD,
DISTRICT OFFICE, THIRUVANANTHAPURAM, PIN-695 004.
3. VILAVOORKKAL GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, MALAYINKEEZH.P.O.
THIRUVANANTHAPURAM DISTRICT, PIN-695 571.

R BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1-A TRUE COPY OF LICENSE ISSUED BY THE 3RD RESPONDENT PANCHAYAT ON 10-01-2001.

P1(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

P2-A TRUE COPY OF LICENSE ISSUED BY THE 3RD RESPONDENT TO RUN THE UNIT FOR THE PERIOD FROM 23-01-2015 TO 31-03-2015.

P2(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P2.

P3-A TRUE COPY OF THE BANK STATEMENT RELATING TO THE ABOVE LOAN.

P4-A TRUE COPY OF THE LETTER DATED 03-02-2015 ISSUED BY THE 2ND RESPONDENT.

P4(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

P5-A TRUE COPY OF THE CIRCULAR NO.PCB/T4/115/97 DATED 20-07-2011 ISSUED BY THE 1ST RESPONDENT.

P6-A TRUE COPY OF THE CIRCULAR NO.PCB/T4/115/97 DATED 27-08-2011 ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS :NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 5333 of 2015 (N)

Dated this the 5th day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 2, 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, who runs a hollow brick manufacturing unit, is aggrieved by Ext.P4 stop memo issued by the 2nd respondent, the Environmental Engineer, Kerala State Pollution Control Board.

3. It is the singular contention of the petitioner that, in terms of Ext.P5 circular, which stands clarified through Ext.P6 circular, obtaining of consent from the Pollution Control Board applies only to those units that have been set up subsequent to 01.07.2011, but not to those established prior

thereto. Under those circumstances, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner has contended that the petitioner's father established the industry way back in 1992, and that the petitioner has carried on the business after his father's death. Referring to Exts.P5 and P6 circulars, the learned counsel has further contended that the petitioner's unit does not require any prior consent from the Pollution Control Board. In the end, the learned counsel for the petitioner nevertheless has submitted that subsequent to the filing of the writ petition, the petitioner filed an application on 25.02.2015 for consent from respondents 1 and 2. He, therefore, urges this Court to dispose of the writ petition with a suitable direction to respondents 1 and 2 to consider the petitioner's application expeditiously.

5. The learned Standing Counsel for respondents 1 and 2, on his part, has submitted that it is mandatory that the petitioner should obtain the necessary consent. He has also

submitted that the respondent authorities are willing to consider the petitioner's application, if already received and pending, in accordance with law at the earliest.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Standing counsel for respondents 1 and 2, this Court disposes of the writ petition with a direction to respondents 1 and 2 to consider the petitioner's application in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within one months from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

