

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 9914 of 2010 (L)

PETITIONER:

**BISER.C, AGED 38 YEARS, S/O.MAMMADEESA HAJI,
RESIDING AT CHUKKAN HOUSE
PANAMARAM VILLAGE, P.O.PANAMARAM, MANANTHAVADY TALUK
WAYANAD DISTRICT.**

**BY ADVS.SRI.GEORGE THOMAS (MEVADA)(SR.)
SRI.MANU GEORGE KURUVILLA**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, WYNAD,
WAYANAD DISTRICT.**
- 2. THE VILLAGE OFFICER,
PANAMARAM VILLAGE, MANANTHAVADY, WAYANAD DISTRICT.**
- 3. PANAMARAM GRAMA PANCHAYATH,
P.O.PANAMARAM, REP.BY SECRETARY (SPECIAL GRADE).**

ADDL. 4TH RESPONDENT

**THE KERALA STATE POLLUTION CONTROL BOARD,
REP. BY ASST. ENVIRONMENTAL ENGINEER, DISTRICT OFFICE,
KALPETTA**

**R1 & 2 BY GOVERNMENT PLEADER SRI. S. JAMAL
R3 BY ADV. SRI.MANOJ RAMASWAMY
ADDL.R4 BY ADV. SRI.JOICE GEORGE, SC, KERALA STATE POLLUTION
CONTROL BOARD
ADV. SMT.P.K.RADHIKA**

ADDL.R4 IMPEADED AS PER ORDER IN I.A. 4557/2010 DT. 6.7.2010

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 TRUE PHOTOCOP OF THE TRUE PHOTOCOPY OF THE PERMISSION ISSUED BY PCB
- P2 TRUE PHOTOCOPY OF THE LICENSE ISSUED BY THE 3RD RESPNDENT
- P3 TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 23.11.2009
- P4 TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT DATED 1.12.2009
- P5 TRUE PHOTOCOPY OF THE ISSUED BY THE 3RD RESPONDENT DATED 03.02.2010
- P6 TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 02.02.2010
- P7 TRUE PHOTOCOPY OF THE PROCEEDINGS OF R4 DATED 04.03.2010
- P8 TRUE PHOTOCOPY OF THE REPLY TO EXT.P7
- P8A PHOTOGRAPH OF THE SITE WITH THE COMPOUND WALL
- P9 TRUE PHOTOCOPY OF THE PERMISSION ISSUED BY THE 4TH RESPNDENT DATED 16.04.2010
- P10 TRUE PHOTOCOPY OF THE COMMUNICAITON DATED 14.05.2010
- P11 TRUE PHOTOCOPY OF THE REPRESENTATION DATED 22.05.2010

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 9914 of 2010 (L)

Dated this the 11th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's bone and skin collecting unit had been refused permission to operate by Exts.P5 and P6 orders of the Panchayath and the District Collector. The petitioner, on a subsequent consent issued by the Kerala State Pollution Control Board, has approached this Court producing the same and amending the writ petition.

2. The relief sought for in the writ petition is to set aside Exts.P5, P6 and P10, issued by the Panchayath. Exts.P5 and P6 are not liable to be interfered with, especially since the Panchayath has considered the application again, as per Ext.P10, after the consent. But, whatever the Panchayath had sought for in Ext.P10 would have to be satisfied by the petitioner. In the context of a consent having been issued by the Pollution Control Board,

after Exts.P5 and P6, what is required is for the petitioner to approach the appropriate authority for a license to operate. The writ petition, however, need not be kept pending.

The writ petition would stand dismissed, sustaining Exts.P5 and P6, but, however, not restricting the petitioner's right to make an application on the basis of the consent issued subsequently, which definitely would have to be considered by the appropriate authority, in accordance with law as of now.

Sd/-
K.VINOD CHANDRAN,
JUDGE