

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 7292 of 2014 (J)

PETITIONER :

**SHIBU JOSE
S/O.JOSE, AGED 32 YEARS
RESIDING AT THANIKKUNNEL HOUSE, RANDAR KARA
RANDAR KARA P.O., MUVATTUPUZHA VILLAGE AND TALUK
ERNAKULAM DISTRICT, PIN CODE - 686 673.**

BY ADV. SRI.PEEYUS A. KOTTAM

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT, ANNEXE, TRIVANDRUM 695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION,
KAKKANAD, ERNAKULAM, COCHIN - 682 030.**
- 3. CHIEF ENVIORNMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, ERNAKULAM, CIVIL STATION
KAKKANAD, COCHIN - 682 030.**
- 4. ENVIORNMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, PERUMBAVUR – 683533.**
- 5. REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, ERNAKULAM DISTRICT
PIN CODE - 686 673.**
- 6. THE VILLAGE OFFICER,
VILLAGE OFFICE, MUVATTUPUZHA
ERNAKULAM DISTRICT, PIN CODE - 686 673.**

7. AVOLI GRAMA PANCHAYATH,
AVOLI, PINCODE - 686 673, MUVATTUPUZHA
ERNAKULAM DISTRICT, REPRESENTED BY ITS SECRETARY.

8. M/S. ISRAH TIMBER INDUSTRIES
RANDAR KARA, RANDAR KARA P.O., MUVATTUPUZHA,
ERNAKULAM DISTRICT, PINCODE - 686 673
REPRESENTED BY ITS PROPRIETOR K.A. SIDDIQUE.

R1, R2, R5 & R6 BY GOVT. PLEADER SRI. G. GOPAKUMAR
R3 & R4 BY ADV. SRI. M.AJAY, SC
R7 BY ADV. SRI.K.S.ARUN KUMAR
R8 BY ADVS. SRI.SABU THOZHUPPADAN
SMT.P.MJINIMOL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...3/-

WP(C).No. 7292 of 2014 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE REPORT DATED 27-08-2013 SUBMITTED BY
VILLAGE OFFICER, MUVATTUPUZHA TO THE REVENUE DIVISIONAL
OFFICER, MUVATTUPUZHA.**
- EXHIBIT P2 TRUE COPY OF THE CIRCULAR NO. PCB/TAC/18/2004 DATED 09-8-2004
ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.**
- EXHIBIT P3 TRUE COPY OF CONSENT TO ESTABLISH
NO. PCB/EKM.DO2/IAE-103/2012 DATED 03-09-2012 ISSUED BY THE
POLLUTION CONTROL BOARD TO THE 8TH RESPONDENT.**
- EXHIBIT P4 TRUE COPY OF THE MASS PETITION SUBMITTED BY THE PEOPLE IN
THE LOCALITY TO THE HONOURABLE CHIEF MINISTER OF KERALA
AND OTHERS.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. SURENDRA MOHAN,J.

W.P(C) NO. 7292 OF 2014

Dated this the 13th January, 2015.

JUDGMENT

The petitioner has filed this writ petition challenging a proposal of the 8th respondent to establish a saw mill in a property close to his residential house. The petitioner has also challenged Ext.P3 consent to establish that has been issued by the fourth respondent. The contention of the counsel for the petitioner is that, no licence under Section 233 of the Kerala Panchayat Raj Act, 1994 has been issued for installation of the machinery. They have submitted Ext.P4 to the third respondent pointing out that Ext.P3 consent has been issued in violation of the circular issued by the Pollution Control Board. According to the counsel Shri. Peeyus A.Kottam it is sufficient that Ext.P4 is directed to be considered by the third respondent. The counsel for the 8th

respondent is also agreeable to the said course.

2. In view of the above this writ petition is disposed of directing the third respondent to consider Ext.P4 petition submitted by the petitioner in accordance with law and to pass appropriate orders thereon, after affording an opportunity of being heard to the petitioner, as well as respondents 7 and 8 and to pass appropriate orders thereon, as expeditiously as possible and at any rate within a period of three weeks of the date of receipt of a copy of this judgment. The interim order granted in this writ petition shall continue to be in force until orders are passed on Ext.P4 in accordance with the above direction.

Sd/-
K. SURENDRA MOHAN
Judge

jj

/True copy/

