

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 10103 of 2013 (K)

PETITIONER:

**JOY THOMAS, S/O.MANUEL THOMAS,
JITHIN INDUSTRIES, MUKUNDAPURAM,
PATTATHANAM, CHAVARA, KOLLAM.**

**BY ADVS.SRI.B.MOHANLAL
SMT.P.S.PREETHA**

RESPONDENT(S):

- 1. THE STATE POLICE CHIEF,
POLICE HEADQUARTERS, VAZHUTHACAUD P.O.,
THIRUVANANTHAPURAM - 695 002.**
- 2. THE CITY POLICE COMMISSIONER,
KOLLAM CITY, KOLLAM, PIN - 691 001.**
- 3. THE ASSISTANT COMMISSIOENR OF POLICE,
KARUNAGAPPALLY P.O., KOLLAM, PIN - 690 518.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
CHAVARA P.O., KOLLAM, PIN - 691 583.**
- 5. THE SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION, CHAVARA P.O.,
KOLLAM, PIN - 691 583.**
- 6. THE DISTRICT OFFICER,
GROUND WATER DEPARTMENT, DISTRICT OFFICE,
HIGH SCHOOL JUNCTION, CUTCHERY P.O.,
KOLLAM - 691 013.**
- 7. SRI.RAJESH M.,
CHIKKINAPURATH VEEDU, MUKUNDAPURAM P.O.,
CHAVARA, KOLLAM, PIN - 691 585.**

WP(C).No. 10103 of 2013 (K)

8. MOHANAN, CHIKKINAPURATH VEEDU,
MUKUNDAPURAM P.O., CHAVARA,
KOLLAM, PIN - 691 585.
9. DILEEP, JYOTHI NIVAS, PATTATHANAM,
MUKUNDAPURAM P.O., KOLLAM, PIN - 691 505.
10. SURESH, KIZHAKKE ANCHUVILAYIL, PATTATHANAM,
MUKUNDAPURAM P.O., KOLLAM, PIN - 691 585.
11. SREEKUTTAN, CHIKKINAPURATH VEEDU,
PATTATHANAM, MUKUNDAPURAM P.O.
KOLLAM, PIN - 691 585.
12. SURESH N., CHIKKINAPURATH PADEETTATHIL,
MUKUNDAPURAM P.O., CHAVARA, KOLLAM, PIN - 691 585.
13. RADHAKRISHNAN, ARUN BHAVANAM,
MUKUNDAPURAM P.O., CHAVARA, KOLLAM, PIN - 691 585.
14. GOPALAKRISHNA PILLAI, KRISHNA KRIPA,
MUKUNDAPURAM P.O., CHAVARA, KOLLAM, PIN - 691 585.
15. ARVINDAKSHAN PILLAI, CHAMAKKALAYIL,
MUKUNDAPURAM P.O., CHAVARA, KOLLAM, PIN - 691 585.

R1 TO R6 BY SENIOR GOVT. PLEADER SRI.P.J.DAVIS
R7 TO 9, R11 TO R13 & R15 BY ADVS.SRI.T.B.HOOD
SMT.M.ISHA
SRI.K.P.JABBAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. THE TRUE COPY OF THE CERTIFICATE OF VALUE ADDED TAX REGISTRATION TIN NO.32020947494 AND CST NO.0209C500510 FROM COMMERCIAL TAX OFFICER, KARUNAGAPPALLY TO THE PETITIONER.
- EXHIBIT P2. THE TRUE COPY OF THE NO OBJECTION CERTIFICATE NO:GKT-975/-07 DATED 21.08.2007 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P3. THE TRUE COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE INDUSTRIES DEPARTMENT DATED 19.07.2008 TO THE PETITIONER.
- EXHIBIT P4. THE TRUE COPY OF THE LICENSES ISSUED BY THE CHAVARA GRAMA PANCHAYATH FOR THE PERIOD FROM 2008 UPTO 31.03.2013.
- EXHIBIT P5. THE TRUE COPY OF THE LICENSE NO.CM/L-6785702 DATED 04.01.2012 ISSUED FROM BUREAU OF INDIAN STANDARDS, THIRUVANANTHAPURAM TO THE PETITIONER.
- EXHIBIT P6. THE TRUE COPY OF THE LICENSE NO.11312002000240 DATED 04.04.2012 ISSUED FROM FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA TO THE PETITIONER.
- EXHIBIT P7. THE TRUE COPY OF THE CERTIFICATE OF STABILITY UNDER THE PROVISIONS OF THE FACTORY ACT ISSUED TO THE PETITIONER.
- EXHIBIT P8. THE TRUE COPY OF THE NO OBJECTION CERTIFICATE NO:C2-14642/07/DMO DATED 24.07.2007 ISSUED FROM THE DISTRICT MEDICAL OFFICER, KOLLAM TO THE PETITIONER.
- EXHIBIT P9. THE TRUE COPY OF THE NO OBJECTION CERTIFICATE NO:A/541/07 DATED 24.07.2007 ISSUED FROM THE INSPECTOR OF FACTORIES AND BOILERS, KOLLAM TO THE PETITIONER.
- EXHIBIT P10. THE TRUE COPY OF THE APPLICATION FOR RENEWAL OF CONSENT NO:PCB/KO/CTO/G/733/2010 SUBMITTED TO THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, KOLLAM.
- EXHIBIT P11. THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 6TH RESPONDENT DATED 25.03.2013.
- EXHIBIT P12. THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 6TH RESPONDENT DATED 01.04.2013 AND ITS RECEIPT.
- EXHIBIT P13. THE TRUE COPY OF THE RECEIPTS OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY, CHAVARA GRAMA PANCHAYATH DATED 26.2.2013 FOR RENEWAL OF LICENSE.

WP(C).No. 10103 of 2013 (K)

- EXHIBIT P14. THE TRUE COPY OF THE CONSENT IN FILE
NO.PCB/KO/CTO/G/733/2010 DATED 2.4.2013 ISSUED BY THE
ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD.**
- EXHIBIT P15. THE TRUE COPY OF THE NOTICE NO.C5-1300/13 DATED 17.4.2013
ISSUED BY THE CHAVARA GRAMA PANCHAYATH SECRETARY TO THE
PETITIONER.**
- EXHIBIT P16. THE TRUE COPY OF THE JUDGMENT IN WP(C)NO.37448/2007 OF THIS
HON'BLE COURT.**
- EXHIBIT P17. THE TRUE COPY OF THE ORDER DATED 29.4.2013 IN IA.NO.772/2013 IN
APPEAL NO.408/2013 OF THE TRIBUNAL FOR LOCAL SELF
GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.**
- EXHIBIT P18. THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER AND
ITS RECEIPT ISSUED BY THE 5TH RESPONDENT DATED 1.4.2013.**

RESPONDENT(S)' EXHIBITS:

- EXT. R7(A) : TRUE COPY OF THE MASS PETITION SUBMITTED BY D.Y.F.I
PATTATHANAM UNIT OF THE SECRETARY, CHAVAR GRAMA
PANCHAYAT.**
- EXT. R7(B) : TRUE COPY OF THE SHOW CAUSE NOTICE DATED 25.3.2013 ISSUED
TO THE PETITIONER BY THE SECRETARY, CHAVAR GRAMA
PANCHAYAT.**
- EXT. R7(C) : TRUE COPY OF THE NEWS ITEM APPEARED IN THE MATHRUBHUMI
DAILY DATED 1.4.2013 REGARDING THE PEOPLE'S GATHERING.**
- EXT. R7(D) : TRUE COPY OF THE REPLY DATED 4.4.2013 SUBMITTED BY THE
PETITIONER TO EXT. R7(B) SHOW CAUSE NOTICE.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

ASHOK BHUSHAN, C.J. & K.RAMAKRISHNAN, J.

W.P.(C) No. 10103 OF 2013

Dated this the 15th day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner, learned counsel appearing for the private respondents and learned Senior Government Pleader.

2. This writ petition has been filed by the petitioner seeking police protection for the smooth conduct of the petitioner's Unit, namely M/s.Jithin Industries situated in Chavara Village, Kollam District. The petitioner claims that he is conducting a manufacturing unit of Club Soda and Packaged Drinking Water Unit.

3. Learned counsel for the Panchayat submits that at present the Panchayat has not granted license and so far as the license granted in the year 2012, there was a condition that the consumption of water should not exceed more than 5000 litres per day. However, it is submitted that as on date the petitioner has no necessary licenses to operate the Unit.

4. Learned counsel for the petitioner submits that petitioner has all valid licenses as evidenced from Exts.P1 to P9.

The licenses which were relied on by the petitioner having been limited to a particular date and the period having run out, we are of the view that no orders are necessary to be passed in the writ petition. Reserving liberty to the petitioner to approach the police authorities if he obtains necessary valid licenses, we close the Writ Petition.

**Ashok Bhushan,
Chief Justice.**

**K. Ramakrishnan,
Judge.**