

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 7711 of 2015 (L)

PETITIONER(S) :

**P.P.THANKACHAN,
S/O.LATE PATHROSE, PARAPPURAM HOUSE, KOOVAPADDY,
PERUMBAVOOR, ERNAKULAM DISTRICT.**

BY ADV. SRI.S.M.ALTHAF

RESPONDENT(S) :

- 1. THE APPELLATE AUTHORITY
(AIR PREVENTION AND CONTROL OF POLLUTION),
THIRUVANANTHAPURAM- 695 001.**
- 2. THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM- 695 001**
- 3. BLUE BLACK GRANITES,
AYATHUPADY, KOOVAPADY P.O, ERNAKULAM DISTRICT- 683 544,
REPRESENTED BY ITS MANAGING PARTNER SRI P.P.CHERIYAN,
PARAPURAM HOUSE, KOOVAPADDY, PERUMBAVOOR,
ERNAKULAM DISTRICT.**
- 4. P.C SALUS, S/O. CHERIYAN,
PARTNER BLUE BLACK GRANITE,
PARAPURAM HOUSE, KOOVAPADDY, PERUMBAVOOR,
ERNAKULAM DISTRICT- 683 544.**

R1 BY ADV. SRI. M.AJAY, S.C

R2 BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

R3 TO R4 BY ADVS. SRI.V.G.ARUN

SRI.T.R.HARIKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY
2ND RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE DELAY CONDONATION PETITION FILED BY
THE PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT AS 16/2014.**

**EXHIBIT P3(A): TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT AS 52A/2014.**

**EXHIBIT P4: TRUE COPY OF THE OBJECTION TO THE DELAY PETITION BY
THE 3RD RESPONDENT IN THE DELAY PETITION.**

**EXHIBIT P5: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT
DATED 22-10-2009.**

**EXHIBIT P6: TRUE COPY OF THE JUDGMENT IN W.A NO.1262/2013 OF
THIS HON'BLE COURT DATED 29-10-2013.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 7711 of 2015

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Dated, this the 17th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ of Mandamus or order or direction, directing the 2nd respondent, not to issue consent to operate primary crusher to M/s Blue Black Granite, Aythupady, Koovapady P.O., Perumbavoor 683544 represented by its Managing Partner Sri. P.P. Cheriyan, Parapuram House, Koovapaddy, Perumbavoor, Ernakulam District during the pendency of Exhibit P3 appeal by the 1st respondent.

(ii) Issue a writ of mandamus or order or direction staying all further proceedings pursuant to the Exhibit P1 by the respondents 2 to 4 until Exhibit P3 (a) is considered and disposed of by the 1st respondent.

(iii) Issue a writ of mandamus or other or direction directing to consider and dispose of Exhibit P3 (a) stay petition as expedite, at any rate, within a time limit as fixed by this Hon'ble Court by the 1st respondent as soon as started functioning.

And

(iv) Issue such other further reliefs as this Honourable Court deem fit and proper to grant in the circumstances of the case.

2. It is brought to the notice of this Court that being aggrieved of Ext. P1 order/proceedings issued by the second respondent, the petitioner has already moved the first respondent by way of Ext. P3 and other I.As. for appropriate relief. The prayer is to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader appearing for the 1st respondent, the learned standing counsel for the second respondent and the learned counsel for the 3rd and 4th respondents.

4. After hearing both the sides, the writ petition is disposed of, directing the first respondent to consider and pass appropriate orders on Ext. P3 in accordance with law, after hearing the petitioner and respondents 3 and 4, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment. It is open for the petitioner to move the first respondent for interim relief, if any. Upon which the same shall

W.P.(C) No. 7711 of 2015

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also be considered and appropriate orders shall be passed, without delay.

The petitioner shall produce a copy of this judgment along with the copy of the writ petition before the first respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd