

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 8132 of 2015 (N)

PETITIONER:

**BASHEER KUTTY, AGED 52 YEARS,
S/O. SHAHULHAMEED KUNJU, BASHEER MANZIL,
PALLISSERICAL MURI, SASTHAMCOTTA VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S):

- 1. THE SECRETARY,
SASTHAMCOTTA GRAMA PANCHAYATH,
SASTHAMCOTTA (PO), KOLLAM DISTRICT, PIN-690 521.**
- 2. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KSEB, SASTHAMCOTTA,
KOLLAM DISTRICT, PIN-690521.**
- 3. THE STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, USHAS BUILDING,
BIG BAZAR, KOLLAM - 691001.**
- *ADDL. R4 & R5 IMPEADED**
- 4. K.K.SOMARAJAN, S/O.KRISHNA PILLAI, SOSH BHAVAN,
PALLISSERIKAL.P.O, SASTHAMCOTTA VILLAGE, KOLLAM.**
- 5. M.SHAMEER, S/O.MAJEEDKUTTY, PUTHENVILA, VADAKKETHI,
PALLISSERIKAL.P.O., SASTHAMCOTTA VILLAGE, KOLLAM.**

**ADDL. R4 & R5 ARE IMPEADED AS PER
ORDER DATED 25.03.2015 IN IA.NO.4421/2015.**

**R1 BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE)
ADV. SRI.ANEESH JOSEPH
R2 BY SRI.SAJEEVKUMAR K.GOPAL,SC
R3 BY SRI.M.R.ARUNKUMAR, SC
ADDL R4 & R5 BY ADV. SRI.B.MOHANLAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1:** A TRUE COPY OF THE LICENSE ISSUED BY THE 1ST RESPONDENT AND ITS ENGLISH TRANSLATION.
- EXHIBIT P2:** A TRUE COPY OF TRUE POLLUTION CERTIFICATE TO THE PETITIONER BY THE 1ST RESPONDENT.
- EXHIBIT P3:** A TRUE COPY OF THE APPLICATION FOR RENEWAL OF EXHIBIT P1 LICENSE DATED 5.3.2015 AND THE RECEIPTS SHOWING THE SUBMISSION OF APPLICATION DATED 7.3.2015.
- EXHIBIT P4:** A TRUE COPY OF THE NOTICE DATED 16.2.2015 AND ITS ENGLISH TRANSLATION ISSUED BY THE 1ST RESPONDENT INFORMING PETITIONER TO GIVE APPLICATION FOR REGULARIZATION OR TO DEMOLISH THE EXTENDED AREA OF THE BUILDING IN THE POULTRY FARM.
- EXHIBIT P5:** A TRUE COPY OF THE APPLICATION DATED 17.2.2015 FOR REGULARIZATION ALONG WITH THE SKETCH PLAN IN THE NAME OF PETITIONERS WIFE.
- EXT. P5(A):** A TRUE COPY OF THE FEE REMITTANCE FOR POLLUTION CERTIFICATE BEFORE THE 3RD RESPONDENT FOR THE EXTENDED SHED.
- EXHIBIT P6:** A TRUE COPY OF THE NOTICE AND ITS ENGLISH TRANSLATION ISSUED TO THE PETITIONER DEMANDING THE EXPLANATION FOR AVOIDING DEMOLITION OF THE POULTRY FARMA AND CANCELLATION OF EXHIBIT P1.
- EXHIBIT P7:** A TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 11.3.2015 FOR THE DISCONNECTION OF ELECTRIC CONNECTION ALONG WITH THE RECOMENTATION OF THE 1ST RESPONDENT AND ITS ENGLISH TRANSLATION.
- EXHIBIT P8:** THE TRUE COPY OF THE ORDER NO.C3/1616/15 DATED 13.3.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER AND ITS ENGLISH TRANSLATION.
- EXHIBIT P9:** A COPY OF THE NO OBJECTION CERTIFICATE DATED 2.6.2014 ISSUED FROM THE DISTRICT MEDICAL OFFICER(HEALTH), KOLLAM TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

- EXT.R4(A) :** THE TRUE COPY OF THE ORDER NO.C3/1616/15 DATED 13.3.2015 ISSUED BY THE 2ND RESPONDENT TO THE WRIT PETITIONER AND ITS ENGLISH TRANSLATION.

/TRUE COPY/

P.S. TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.8132 of 2015

Dated this the 28th day of May, 2015.

JUDGMENT

The petitioner, who was an applicant for renewal of licence from the respondent Panchayath to conduct a poultry farm, has approached this Court alleging that the Panchayath has not considered the application so far.

2. When the matter came up on 20.5.2015, the learned Standing Counsel for the Panchayath submitted that the application for renewal has been rejected by Ext.P8, which is an appealable order.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that the petitioner has submitted an appeal against Ext.P8 before the respondent Panchayath and the learned counsel for the petitioner prayed for a direction to the respondent Panchayath to consider his appeal within a time frame.

In the light of the said submission, the writ petition is

disposed of directing the respondent Panchayath to consider the appeal preferred by the petitioner against Ext.P8 within a period of one month from the date of receipt of a copy of this judgment, after affording the petitioner and the affected parties, if any. It is open to the petitioner to produce a copy of the judgment and a copy of this writ petition before the respondent Panchayath to facilitate an early action.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.