

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

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

WP(C).No. 8441 of 2015 (E)

PETITIONER:

RIYO ANTONY, AGED 36 YEARS,
W/O. RINTO ANTONY,
MORIYADAN HOUSE,
P.O. VADOOKKARA,
THRISSUR - 680 007.

BY ADVS.SRI.C.HARIKUMAR
SMT.C.B.ANUROOPA

RESPONDENTS:

1. CORPORATION OF THRISSUR,
THE CORPORATIN OFFICE,
THRISSUR - 680 001,
REPRESENTED BY ITS SECRETARY.
2. HEALTH OFFICER,
THRISSUR MUNICIPAL CORPORATION,
THE CORPORATION OFFICE,
THRISSUR - 680 001.
3. P.C. UNNI,
TC/40/891, POYILINVARIL HOUSE,
P.O. VADOOKKARA,
THRISSUR - 680 007.
4. KERALA STATE POLLUTION CONTROL BOARD,
THRISSUR - 680 001,
REPRESENTED BY ITS SECRETARY.

R BY SRI.KODOTH SREEDHARAN,SC,THRISSUR CORPORATION
R BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
SRI. GOPAKUMAR G., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF THE LICENCE DATED 11.11.2009 ISSUED BY THE 1ST RESPONDENT CORPORATION ALONG WITH ENGLISH TRANSLATION.
- EXT.P2 : TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE OWNERS OF THE NEARBY PROPERTIES DATED 08.10.2009 ALONG WITH ENGLISH TRANSLATION.
- EXT.P3 : TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 10.03.2015 ALONG WITH ENGLISH TRANSLATION.
- EXT.P4 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 12.02.2015.
- EXT.P5 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 27.02.2015 ALONG WITH ENGLISH TRANSLATION.
- EXT.P6 : TRUE COPY OF THE DEMAND DRAFT DATED 09.03.2015 IN FAVOUR OF THE 1ST RESPONDENT.
- EXT.P7 : TRUE COPY OF THE POSTAL RECEIPT DATED 10.03.2015.
- EXT.P8 : TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 11.03.2015.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 8441 of 2015 (E)

Dated this the 17th day of March, 2015.

JUDGMENT

The petitioner is said to have been carrying on the business of manufacturing solid cement bricks in a small scale unit established within her residential compound. The respondent Corporation beginning from 2009 has issued the trade licence to the petitioner and annually renewed it. Before the 4th respondent, the Kerala State Pollution Control Board, in the light of the change in the statutory position, the petitioner is said to have submitted Ext.P4 application for consent.

2. Based on the objections raised by the 3rd respondent and certain other persons in the vicinity, the first respondent Corporation has issued Ext.P3 order requiring the petitioner to temporarily stop the production in her unit. Even when the petitioner has tried to submit Ext.P5 application for renewal of the trade licence, presumably based on the objections of the 3rd respondent and others, the respondent Corporation allegedly refused to accept the said application. Under those circumstances,

the petitioner has submitted her application through registered post.

3. Apprehending that the first respondent may not consider the petitioner's application for renewal of trade licence, the petitioner has filed the present writ petition.

4. Without entering into the technicalities, the learned counsel for the first respondent has fairly submitted that the respondent Corporation will consider the petitioner's Ext.P5 application in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel on both sides, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider the petitioner's Ext.P5 application in accordance with law and pass appropriate orders thereon on or before 31.03.2015, inasmuch as the present trade licence issued to the petitioner has come to an end by then.

sd/- DAMA SESHADRI NAIDU, JUDGE.

