

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8870 of 2015 (G)

PETITIONER :

**M/S. E.G.GRANITES, MALAMEL, PERUMANNOOR P.O.,
KOTTARAKKARA, KOLLAM,
REPRESENTED BY ITS MANAGING PARTNER,
ELDHO KURIAN, AGED 29 YEARS**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENTS :

- 1. THE DISTRICT ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE, KERALA STATE POLLUTION CONTROL BOARD,
USHAS BUILDING, BIG BAZAR, KOLLAM - 691001.**
- 2. THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHAIRMAN, PATTOM P.O.,
KOLLAM - 695004.**
- 3. SRI. M. BIJU, PRESIDENT ARAKKAL
DEVIKSHEHROPADESHAKA SAMITHI,
PERUMBANNOOR P.O., KOLLAM - 691 545.**
- 4. SRI. OHM PRAKASH C., MAHASWARI MANDIRAM,
MALAMEL, PERUMANNOOR P.O., KOLLAM - 691 532.**
- 5. SRI. ANCHAL RAMACHANDRAN, P.J.B. BHAVAN, MALAMEL,
PERUMANNOOR P.O., KOLLAM - 691532.**

R1 & R2 BY SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE LICENSE DT 2/11/1995 ISSUED BY THE EDAMULAKKAL GRAMA PANCHAYAT.**
- P2: COPY OF THE RELEVANT PAGES F RENEWED CONSENT TO OPERATE ISSUED UPTO 30/6/2012.**
- P3: RELEVANT PAGES OF APPLICATION DT 13/4/2012 SUBMITTED BY THE PETITIONER FOR RENEWAL OF CONSENT.**
- P4: COPY OF LETTER DT, 30/12/2013 ISSUED TO THE PETITIONER NOTIFYING THE DEFECTS AND CALLING FOR ITS CORRECTION.**
- P5: COPY F LETTER DT 18/1/2014 SENT TO THE R1.**
- P6: COPY OF NOC DT 2/2/2013 ISSUED BY THE DISTRICT MEDICAL OFFICER.**
- P7: COPY OF THE NOC DT 30/1/2013 ISSUED BY THE DEPARTMENT OF FIRE AND RESCUE.**
- P8: COPY OF THE LICENSE DT 29/10/2014 ISSUED UNDER THE FACTORIES AND BOILERS ACT.**
- P9: COPY OF THE NOCS DT 12/11/2014 GIVEN BY THE IMMEDIATE NEIGHBOURS OF THE PETITIONER.**
- P10: COPIES OF NOTICES DT 1/1/2015, 8/1/2015 AND 26/2/2015 TO THE RESPONDENTS 3 TO 5.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8870 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

The petitioners were running a crusher unit under the name and style as 'M/s. E.G. Granites' in the premises comprised in Survey Nos.333/28, 333/35 and 333/22 of Arakkal Village, Pathanapuram, Kollam District. Ext.P1 is the licence issued by the concerned local authority and Ext.P2 reflects consent to operate issued by the Pollution Control Board, which is valid till 30.06.2012. The petitioners want to have consent extended and hence, application for renewal was submitted vide Ext.P3 on 13.04.2012. The petitioners were let known as to the existence of certain defects vide Ext.P4, which are stated as cured and the position was informed to the 1st respondent vide Ext.P5. It is stated that, the petitioners are having all the requisite NOCs issued by the different authorities ie. District Medical Officer, Department of Fire and Rescue and the Factories and Boilers etc.

as borne by Exts.P6 to P8. Petitioners have also obtained the consent of neighbours, a copy of which has been produced as Ext.P9. Despite the requests made by the petitioners to finalise the proceedings, it is simply being adjourned as evident from Ext.P10 series notices, at the instance of respondents 3 to 5 herein, who are residing far away and are anxious to stall the proceedings. Prayer is to direct the 2nd respondent to finalise the application for renewal without further delay.

2. Heard the learned Standing Counsel for the Pollution Control Board as well.

3. Considering the limited extent of reliefs sought for, this Court does not find it necessary to issue notice to the respondents 3 to 5, more so since this Court does not intend to express anything with regard to the merits of the case.

4. The writ petition is disposed of, directing the 2nd respondent to pass final orders on Ext.P3 application preferred by the petitioners in the light of all the relevant documents and after affording an opportunity of hearing to the petitioner, the concerned local authority and other interested parties, if any,

including respondents 3 to 5. The proceedings as above shall be finalised, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

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

sp