

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C) .No. 9995 of 2015 (Y)

PETITIONER(S) :

C.A.ISMILE,
PROPRIETOR-M/S.SILVER STAR STEELS,
NEDUMTHODU,
MUDICKAL P.O., PERUMBAVOOR.

BY ADVS.SRI.P.THOMAS GEEVERGHESE
SRI.TONY THOMAS (INCHIPARAMBIL).

RESPONDENT(S) :

1. VENGOLA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, VENGOLA,
PERUMBAVOOR - 683 554.
2. SECRETARY,
VENGOLA GRAMA PANCHAYAT, VENGOLA,
PERUMBAVOOR - 683 554.

*ADDL. R3 IS IMPEADED

R3. KERALA STATE POLLUTION CONTROLL BOARD,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

(*ADDL.R3 IS SUO MOTU IMPEADED AS PER ORDER DATED 03.06.2015
IN THE WP(C).)

R3 BY SRI.M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD &
BY ADVSRI.C.A.NAVAS.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1- TRUE COPY OF NO-OBJECTION CERTIFICATE FROM THE FIRE & RESCUE DEPARTMENT NO. G-7606/14 DATED 18.9.2014.
- EXT. P2- TRUE OUT COPY OF NO-OBJECTION CERTIFICATE OF THE DISTRICT MEDICAL OFFICER DATED NO. L.DIS (C2) 15957/14 DATED 10.10.2014.
- EXT. P3- TRUE COPY OF CONSENT TO OPERATE FROM THE KERALA POLLUTION CONTROL BOARD, FILE NO. PCB/EKM/DO2/IAO-313/14.
- EXT. P4- TRUE COPY OF PANCHAYAT LICENSE NO.525/14-15 DATED 21/10/2014.
- EXT. P5- TRUE COPY OF NOTICE NO.A2-10335 DATED 24.12.2014 OF 2ND RESPONDENT.
- EXT. P6- TRUE COPY OF DECISION NO.12/7 DATED 18.12.2014 OF 1ST RESPONDENT.
- EXT. P7- TRUE COPY OF RECEIPT NO.A1-2740 DATED 25.3.2015 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 9995 of 2015

Dated this the 11th day of June, 2015.

JUDGMENT

Aggrieved by Exts.P5 and P6 orders passed by the respondent panchayath, the petitioner has approached this Court.

2. The petitioner is conducting a plastic recycling unit, a Green Category Industry as he has all the licences required to conduct the unit. The petitioner alleges that the first respondent issued a notice stating that the Grama Panchayat has decided to temporarily stop the functioning of the petitioner's unit, due to complaints received from certain persons that the activity is causing severe health hazards. The petitioner further alleges that he was not heard or even given copy of the alleged complaint, before issuing Ext.P5 and P6 impugned orders. Closure of the petitioner's unit has adversely affected the livelihood of more than 14 permanent employees and 5 temporary employees, who are working in

the establishment.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent panchayat and the learned Standing Counsel for the Pollution Control Board.

4. The learned counsel for the panchayat on instruction submitted that stop memos were issued against the petitioner on account of the objection raised by the local inhabitants raising complaints relating to their health hazards.

As the third respondent is the competent authority to see whether any pollution is caused or not, the writ petition is disposed of directing the third respondent to depute an authorised officer of the third respondent to inspect the unit of the petitioner within a period of one month from today and to submit a report stating whether the petitioner's unit is actually causing any health hazards to the local inhabitants. If clearance is given by the third respondent, the respondent panchayat shall consider the Ext.P7 renewal application

submitted by the petitioner within a period of two weeks from the date of receipt of a copy of this judgment. The existing state of affairs shall continue till a final decision is taken as above.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.