

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11077 of 2015 (H)  
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PETITIONER:

VENU, S/O.NEELAKANDAN, AGED 50 YEARS,  
"KARTHIKA BHAVAN", PARAKODE,  
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.R.MANOJ

RESPONDENTS:

1. THE ADOOR MUNICIPALITY  
REPRESENTED BY ITS SECRETARY,  
ADOOR MUNICIPALITY,  
ADOOR PIN - 691 523.
2. THE SECRETARY, ADOOR MUNICIPALITY,  
ADOOR PIN - 691 523.
3. THE KERALA POLLUTION CONTROL BOARD,  
REP. BY ITS ENVIRONMENTAL ENGINEER,  
DISTRICT OFFICER, MAKKAM KUNNU,  
PATHANAMTHITTA PIN - 689 645.

R1 & 2 BY ADVS. SRI.V.M.SYAM KUMAR  
SMT.KRIPA ELIZABETH MATHEWS  
R3 BY ADV. SRI.M.R.ARUNKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX IN WP(C).No. 11077 of 2015 (H)**

PETITIONER'S EXHIBITS:

EXT. P1-TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA STATE POLLUTIN CONTROL BOARD

EXT. P2-TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETIITONER DATED 2.4.2014

EXT. P2(a)- TRUE ENGLISH TRANSLATION OF EXT P2

EXT. P3- TRUE COPY OF ORDERS PASSED BY THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTION, THIRUVANANTHAPURAM IN OP 1808/2013

EXT. P4- TRUE COPY OF THE COMMUNICAITON ISSUED BY THE ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD DATED 23.1.2014

EXT. P4(a)- TRUE ENGLISH TRANSLATION OF EXHIBIT P4

EXT. P5- TRUE COPY OF THE ORDERS PASSED BY THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTION IN APPEAL NO.399/2014

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

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W.P.(C)No.11077 of 2015 H  
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Dated this the 8<sup>th</sup> day of April, 2015

### **JUDGMENT**

The petitioner, having taken on rent a building from the respondent Municipality for conducting business in poultry meat, could not commence his business owing to lack of requisite consent from the Pollution control Board and also on the ground of arrears of rent. When the second respondent did not consider the petitioner's claim for trade licence despite his obtaining consent from the Pollution Control Board in the interregnum, the petitioner is said to have filed O.P.No.1808/2013 before the Ombudsman for Local Self Government Institutions, Thiruvananthapuram.

2. In the light of Exhibit P3 order rendered by the learned Ombudsman, the second respondent and the Environmental Engineer of the Pollution Control Board

conducted a joint inspection, resulting in Exhibit P4 report of the Environmental Engineer. Despite Exhibit P4 report, when the second respondent persisted with refusal to issue the trade licence, the petitioner filed Appal No.399/2014 before the Tribunal for Local Self Government Institutions, Thiruvananthapuram ('the Tribunal' for brevity).

3. As could be seen from the record, the learned Tribunal through Exhibit P5 order quashed the decision of the second respondent and further directed the second respondent to pass appropriate orders afresh. Eventually, questioning the inaction of the second respondent in passing the orders despite a clear direction to the said effect in the order of the learned Tribunal, the petitioner has filed the present writ petition.

4. The learned counsel for the respondent Municipality has submitted that pursuant to Exhibit P5 order of the learned Tribunal, the second respondent did

hear the petitioner and eventually pass orders on 16.03.2015. According to him, the orders were also communicated to the petitioner on 18.03.2015; however, the learned counsel for the petitioner has seriously contested the said statement of the learned counsel for the respondent Municipality.

5. Be that as it may, now the learned counsel for the respondent Municipality has showed the order to the court and served a copy on the learned counsel for the petitioner, based on the direction given by this Court.

6. Under these circumstances, it is left open for the petitioner to take appropriate steps concerning the orders said to have been passed by the second respondent on 16.03.2015.

With the above observation, the writ petition stands disposed of.

Dama Seshadri Naidu, Judge

tkv