

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 11098 of 2015 (J)

PETITIONER:

SUPRABHA V.S., AGED 60 YEARS,
W/O. VISWANTHAN, PULIKKATHARA HOUSE,
CHIKKODE, ANAKKARA P.O., PALAKKAD.

BY ADV. SRI.S.NIDHEESH

RESPONDENTS:

1. THE KAPPUR GRAMA PANCHAYATH,
REPRESENTED BY THE SECRETARY, KAPPUR, PALAKKAD - 679 552.
2. THE SECRETARY, KAPPUR GRAMA PANCHAYATH, KAPPUR,
PALAKKAD - 679 552.

R1&2 BY ADV. SRI.A.KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- | | |
|---------|--|
| EXT.P1 | : TRUE COPY OF THE SSI REGISTRATION DATED 20.10.2011. |
| EXT.P2 | : TRUE COPY OF THE LICENCE ISSUED BY THE PANCHAYATH WITH TRANSLATION. |
| EXT.P3 | : TRUE COPY OF THE PERMISSION ISSUED BY THE PANCHAYATH DATED 13.02.2014 WITH TRANSLATION. |
| EXT.P4 | : TRUE COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD DATED 21.04.2012. |
| EXT.P5 | : TRUE COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD DATED 15.11.2013. |
| EXT.P6 | : TRUE COPY OF THE NOC ISSUED BY DISTRICT MEDICAL OFFICER DATED 17.09.2014. |
| EXT.P7 | : TRUE COPY OF THE NOC ISSUED BY THE FIRE AND RESCUE SERVICES DATED 29.09.2014. |
| EXT.P8 | : TRUE COPY OF THE NOC ISSUED BY THE FACTORIES AND BOILERS DEPARTMENT DATED 14.05.2014. |
| EXT.P9 | : TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE COMMERCIAL TAXES DEPARTMENT DATED 08.11.2012. |
| EXT.P10 | : TRUE COPY OF THE RECEIPT DATED 24.03.2015 ALONG WITH TANSLATION. |

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 11098 of 2015 (J)

Dated this the 10th day of April, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Counsel for the respondent Grama Panchayath, apart from perusing the record.

2. Briefly stated, the petitioner has applied for renewal of D & O licence for his existing small scale unit engaged in the manufacture of PVC pipes and garden hose. Though the unit is said to have been functioning for the last three years, despite the petitioner's having all the requisite permits and consents from various departments concerned, the respondent Grama Panchayath does not seem to have renewed the licence. Complaining of inaction of the respondent Grama Panchayath on that count, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner has strenuously contended that the petitioner is only manufacturing small PVC pipes and garden hose, and that all the statutory authorities,

including the Kerala State Pollution Control Board, have given the necessary licences and consents for the renewal of D & O licence by the respondent Grama Panchayath. According to him, there is no justification for the respondent Grama Panchayath to deny renewal of licence to an existing industrial unit.

4. The learned counsel for the respondent Grama Panchayath, on the other hand, has submitted that the respondent Grama Panchayath has received objections from the residents of the locality, forwarded by the District Collector. According to him, in the face of those objections, the respondent Grama Panchayath is unable to consider the petitioner's application.

5. It is appropriate to observe that the respondent Grama Panchayath is required to consider the petitioner's application for renewal of D & O licence only in terms of the statutory provisions. If at all there are objections from any quarter, those objections are required to be considered only in terms of the

extant regulations. Dehors the statutory provisions, mere objection from any quarter cannot deter the respondent Grama Panchayath from exercising its statutory powers.

6. The contention of the learned counsel for the petitioner that he has got all other requisite permits and licences has not been seriously contradicted by the learned counsel for the respondent Grama Panchayath.

7. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the respondent Grama Panchayath to consider the petitioner's Ext.P10 application for renewal of D & O licence, provided the petitioner has complied with all other statutory criteria.

Needless to observe that the respondent Grama Panchayath shall consider and dispose of the petitioner's Ext.P10 application as expeditiously as possible, at any rate within one month from

the date of receipt of a copy of this judgment. If the respondent Grama Panchayath is still of the opinion that the industry has the potential of causing or actually causing any pollution, notwithstanding the consent issued by the Pollution Control Board, it can seek necessary clarification on the said issue from the Kerala State Pollution Control Board.

sd/- DAMA SESHADRI NAIDU, JUDGE.

