

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11130 of 2015 (M)

PETITIONER(S):

**K.B.PEETHAMBARAN, S/O.BHASKARAN,
KARAYIL HOUSE, H.NO.XIII/47 (22/229), ARACKAPADY VILLAGE,
VENGOLAKARA, PONJASSERY P.O., PERUMBAVOOR,
ERNAKULAM DISTRICT-583547.**

**BY ADVS.SRI.P.VIJAYAKUMAR
SRI.C.R.REGHUNATHAN
SRI.P.SHRIHARI
SRI.M.V.ASHIM
SRI.R.BALAKRISHNAN
SRI.B.HARRYLAL**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
THIRUVANANTHAPURAM-695001.**
- 2. SECRETARY TO LAW DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 3. DISTRICT COLLECTOR, COLLECTORATE, ERNAKULAM-682030.**
- 4. ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
PERUMBAVOOR, ERNAKULAM-670673.**
- 5. SEENA ABDUL AZEEZ, PROPRIETRIX,
CHAITANYA GRANITIES, KADAVIL HOUSE, PONJASSERY P.O.,
PERUMBAVOOR, ERNAKULAM-683547.**

**R1-3 BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT
R4 BY SRI. M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE CONSENT DATED 7/11/14 ISSUED BY THE R4

P2: COPY OF THE JUDGMENT IN WPC.15686/14

P3: COPY OF APPEAL MEMORANDUM DATED 19/11/14

P3(A): COPY OF THE STAY PETITION

**P3(B): COPY OF APPLICATION FOR ISSUANCE OF COMMISSION SUBMITTED ALONG
WITH EXT.P3 APPEAL MEMORANDUM.**

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.11130 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The delay in considering the appeal preferred by the petitioner before the Appellate Authority vide Ext.P3 along with Ext.P3(a) petition for stay and Ext.P3(b) petition for issuance of a commission made the petitioner to approach this Court by filing the writ petition.

2. Heard the learned counsel for the petitioner, learned Standing Counsel appearing for the Pollution Control Board and the learned Government Pleader appearing for the respondents 1 to 3.

3. Considering the limited extent of relief proposed to be given, this Court does not intend to issue notice to the 5th respondent for the time being.

4. It is stated that, the office of the Appellate Authority is lying vacant and hence the writ petition. But, this Court has been informed during the course of hearing that the Chairman of the Appellate Authority happens to be the Law Secretary to the

State. Pursuant to the retirement of the former Law Secretary, the Office has now been filled up and the new Law Secretary has assumed charge, who is to be the Appellate Authority to be notified in accordance with law.

5. In the above circumstances, the concerned respondents are directed to take necessary steps to cause Ext.P3 series to be considered and disposed of by the Appellate Authority in accordance with law. The appeal as well as the I.A. shall be considered and disposed of at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment, after issuing notice to the petitioner, the 3rd respondent and other interested parties, if any.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the concerned respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp