

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 11407 of 2014 (A)

PETITIONER(S):

1. **BONY JOSEPH, S/O.JOSEPH, AGED 34 YEARS,
THEKKUMKATTIL, NELLIMATTOM.P.O.,
KOTHAMANGALAM, ERNAKULAM, PIN-686 693.**
2. **M.C.THOMAS,MARACHERRY PUTHETH,
NELLIMATTOM.P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN-686 693.**
3. **JOSEPH P.P., PEECHATTU HOUSE,
NELLIMATTOM.P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN-686 693.**
4. **PAUL GEORGE,
DEVARATH HOUSE, KUTHUKUZHYP.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN-686 693.**

BY ADV. SRI.V.C.JAMES

RESPONDENT(S):

1. **THE DISTRICT COLLECTOR,
ERNAKULAM, PIN-682 030.**
2. **THE DISTRICT POLICE CHIEF ALUVA (RURAL),
ALUVA, ERNAKULAM, PIN-683 101.**
3. **THE DISTRICT MEDICAL OFFICER,
GENERAL HOSPITAL COMPOUND, ERNAKULAM, PIN-682 011.**
4. **THE DEPUTY DIRECTOR OF PANCHAYATH,
CIVIL STATION, KAKKANADU, PIN-682 030.**
5. **THE REGIONAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, GANDHI NAGAR,
KADAVANTHARA, ERNAKULAM, PIN-682 020.**
6. **THE SECRETARY,
KAVALANGAD GRAMA PANCHAYATH, NELLIMATTOM.P.O.,
KOTHAMANGALAM, ERNAKULAM DISTRICT, PIN-686 693.**

WP(C).NO.11407/2014

7. THE PROPRIETOR,
MARYLAND COTTED PAPER CARBON COMPANY, KP/192(A),
ERAPPUNGAL ROAD, NELLIMATTOM.P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN-686 693.

R1 TO R4 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R5 BY ADV. SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
R6 BY ADV. SRI.PEEYUS A.KOTTAM
R7 BY ADV. E.M JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- THE TRUE COPY OF THE MASS PETITION FILED BY THE PETITIONERS AND 20 OTHERS BEFORE THE 6TH RESPONDENT ON 11.7.2013.
- P2- THE TRUE COPY OF THE REPORT DATED 25.7.2013 OF THE HEALTH INSPECTOR SUBMITTED TO THE 6TH RESPONDENT.
- P3- TRUE COPY OF THE REPRESENTED FILED BY THE PETITIONERS AND SOME OTHERS BEFORE RESPONDENTS 1 TO 5 ON 10.2.2014.
- P4- TRUE COPY OF THE POSTAL RECEIPT DATED 10.2.2014 OF EXT.P3 REPRESENTATION.
- P5- TRUE COPY OF THE INFORMATION FURNISHED BY THE PANCHAYATH ON 22/8/2015
- P6- TRUE COPY OF THE COMPLAINT FILED BEFORE THE SUB INSPECTOR OF POLICE, OONNUKAL ON 24/7/2015

RESPONDENT(S)' EXHIBITS

- R5(A)- COPY OF THE INSTRUCTION NO.PCB/EKM/DO2/CC-11/2014 DATED 03/06/2014
- R6- COPY OF THE STOP MEMO NO.K3-3211/14 DATED 01/08/2014 ISSUED BY THE 6TH RESPONDENT TO THE 7TH RESPONDENT
- R7(1) COPY OF THE LICENSE ISSUED BY THE 6TH RESPONDENT PANCHAYATH IN 2010
- R7(1)(A): COPY OF THE RECEIPT ISSUED BY THE 6TH RESPONDENT PANCHAYATH
- R7(2) COPY OF THE APPLICATION FOR RENEWAL OF LICENSE SUBMITTED
- R7(3) COPY OF THE LETTER ISSUED BY THE 6TH RESPONDENT PANCHAYATH
- R7(4) COPY OF THE CERTIFICATE ISSUED BY THE 5TH RESPONDENT POLLUTION CONTROL BOARD.

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 11407 of 2014

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Dated this the 18th day of September, 2015

J U D G M E N T

The petitioner approached this Court alleging that the 7th respondent is operating a manufacturing unit without necessary permission from the local authority. It is further pointed out that though the stop memo has been issued by the Panchayath, the 7th respondent is still operating the unit.

2. The 7th respondent has produced consent issued by the Pollution Control Board. The 7th respondent has also approached the local authority for renewing the licence. The local authority communicated to the 7th respondent that in view of the pendency of the writ petition, the application cannot be considered.

3. This Court is of the view that the application for renewal of licence shall be considered by the Panchayath after hearing the petitioners as well as the 7th respondent within one week from the date of receipt of the copy of this judgment. If the licence is renewed and if there is no impediment, the 7th respondent is free to operate the unit in accordance with the consent issued by the Board and also based on licence issued by the Panchayath. Till the decision is taken by the Panchayath, the 7th respondent shall not operate the unit.

The writ petition is disposed of, as above.

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sab

A.MUHAMED MUSTAQUE, JUDGE

