

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 13935 of 2013 (N)

PETITIONERS:

1. V.I.ABRAHAM, AGED 67 YEARS,
S/O KURIAN ITTI AVARA, SRAMBIYIL HOUSE,
WEST OTHAREA P.O., THIRUVALLA-
PATHANAMTHITTA DISTRICT 689551.
2. BIJU KURUVILA, AGED 42 YEARS,
S/O LISSY KURUVILA, MERINA VILLA,
WEST OTHARA P.O., THIRUVALLA-
PATHANAMTHITTA DISTRICT 689551.

BY ADVS. SRI. M.T.SURESH KUMAR
SRI. RAJA VIJAYARAGHAVAN

RESPONDENTS:

1. KUTTOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KUTTOOR,
THIRUVALLA, PATHANAMTHITTA DISTRICT- 689106.
2. SECRETARY,
KUTTOOR GRAMA PANCHAYATH, KUTTOOR, THIRUVALLA,
PATHANAMTHITTA DISTRICT 689106.
3. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, MAKKANKUNNU P.O., PATHANAMTHITTA,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER 689645.
4. E.M. RAJU, AGED 44 YEARS,
S/O MATHEW, ELAKUTTOR PADINJARETHIL,
WEST OTHARA P.O., THIRUVALLA,
PATHANAMTHITTA DISTRICT 689546.

R1-R2 BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)
R3 BY ADV. SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD
R4 BY ADV. SRI.T.P.PRADEEP
R4 BY ADV. SRI.P.K.SATHEES KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.T.O

WP(C).No. 13935 of 2013 (N)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE REPRESENTATION DATED 16-03-2013
ALONG WITH A COPY OF THE RECEIPT ISSUED FROM THE
OFFICE OF THE 3RD RESPONDNET.

EXHIBIT P2- TURE COPY OF THE SAID REPRESENTATON DATED 29-04-2013
TO THE 4TH RESPONDENT.

EXHIBIT P3- TRUE COPY OF THE RESIDENTS OF THE LOCALITY HAD SUBMITTED
A REPRESENTATION DATED 27-04-2013 TO THE PANCHAYATH
SECRETARY.

EXHIBIT P4- TRUE COPY OF THE PETITION FOR CANCELLATION OF LICENSE
DATED 13-05-2013.

RESPONDENT(S) ' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

LPD

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.13935 of 2013

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Dated this the 27th day of July, 2015

JUDGMENT

The petitioners are aggrieved by the licence issued by the 2nd respondent permitting the 4th respondent to construct the Cements Bricks factory in 73 cents of property owned by him comprised in R.S No.291/3 of respondent panchayat. The petitioners allege that the 2nd respondent without conducting enquiry as to whether the establishment of the factory and installation of machineries are objectionable due to the density of population in the neighbourhood issued licence. They further allege that the 2nd respondent also failed to assess the possibility to cause nuisance and pollution if the factory is established in the proposed site. Though representations were submitted to the 3rd respondent and to the panchayat committee, they remain unattended. It is with this background, the petitioners have come up before this Court.

2. The 4th respondent has filed a counter affidavit refuting the allegations of the petitioners.

3. Arguments have been heard.

4. When the matter came up for hearing, the learned counsel for the petitioners has confined his argument to the limited prayer for a direction to the respondents to consider and dispose of Ext.P4 petition with a time frame.

Therefore, the writ petition is disposed of directing the respondent panchayat to consider and pass appropriate orders on Ext.P4 within a period of one month from the date of receipt of a copy of this judgment after affording the petitioners as well as the the 4th respondent an opportunity of being heard.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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