

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 11539 of 2014 (N)

PETITIONER(S):

**DAVIS M.V, AGED 51 YEARS,
S/O VAREED, MANGALAM HOUSE,
PULIPPARAKUNNU DESOM, XV/330,
MANAKULANGARA (P.O), KODAKARA,
THRISSUR DISTRICT -680 684.**

BY ADV. SRI.M.H.HANIL KUMAR.

RESPONDENT(S):

- 1. KODAKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KODAKARA (P.O),
MUKUNDAPURAM TALUK, THRISSUR -680 684.**
- 2. THE SECRETARY,
KODAKARA GRAMA PANCHAYATH, KODAKARA (P.O),
MUKUNDAPURAM TALUK, THRISSUR- 680 684.**
- 3. THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER, 6TH FLOOR,
SUN TOWER, KAZHAKKEKOTTA (P.O), THRISSUR -680 005.**
- 4. THE SUB INSPECTOR OF POLICE,
KODAKARA POLICE STATION, KODAKARA P.O.,
THRISSUR DISTRICT -680 684.**
- 5. BIJU JACOB, S/O JACOB, VADAKKETTU HOUSE,
MANAKKULANGARA (P.O), PROPRIETOR,
ST. JOSEPH INDUSTRIES, PULIPPARAKUNNU DESOM,
MANAKKULANGARA (P.O), MUKUNDAPURAM TALUK,
THRISSUR DISTRICT -680 684.**

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*** ADDL. R6 IMPEADED**

**6. THE AIR APPELLATE AUTHORITY,
PETTAH, THIRUVANANTHAPURAM-695 001.**

*** ADDL. R6 IS IMPEADED AS PER ORDER DATED 16/11/2015
IN I.A. NO.12684/2015.**

**R1 & R2 BY ADVS. SRI.SHEEJO CHACKO,
SRI.P.JINISH PAUL.**

R3 BY ADV. SRI. M.AJAY, SC.

R4 BY GOVT. PLEADER SMT.ANITHA RAVINDRAN.

R5 BY ADV. SRI.A.M.BABU.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 A TRUE COPY OF THE JUDGMENT DATED 21-08-2013 PASSED BY THIS HON'BLE COURT IN WP(C).NO.11181 OF 2012.**
- EXHIBIT P2 A TRUE COPY OF THE CONSENT TO OPERATE DATED 21-03-2014 ISSUED BY THE POLLUTION CONTROL BOARD.**
- EXHIBIT P3 A TRUE COPY OF THE COMMUNICATION OF THE SECOND RESPONDENT TO THE STATION HOUSE OFFICER, KODAKARA POLICE STATION DATED 16-01-2014.**
- EXHIBIT P4 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT DATED 28-03-2014.**
- EXHIBIT P5 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE THIRD RESPONDENT DATED 02-04-2014.**
- EXHIBIT P6 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE THIRD RESPONDENT DATED 19-04-2014.**
- EXHIBIT P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE FOURTH RESPONDENT DATED 04-04-2014.**
- EXHIBIT P8 A TRUE COPY OF THE MEDICAL CERTIFICATE DATED 05-11-2011.**
- EXHIBIT P9 A TRUE COPY OF THE MEDICAL CERTIFICATE DATED 09-01-2012.**
- EXHIBIT P10. A COPY OF THE INFORMATION FURNISHED TO THE PETITIONER BY THE KODAKARA GRAMA PANCHAYAT DATED 17/05/2014.**
- EXHIBIT P11. A TRUE COPY OF THE PROCEEDINGS OF THE DEPUTY DIRECTOR OF PANCHAYAT, THRISSUR DATED 24/06/2014.**
- EXHIBIT P12. A TRUE COPY OF THE MEMORANDUM OF APPEAL IN APPEAL NO.18/2014 DATED 20/05/2014 WITHOUT EXHIBITS.**
- EXHIBIT P13. A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 12/02/2015 WITHOUT EXHIBITS.**
- EXHIBIT P14. A TRUE COPY OF THE REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DATED 14/10/2014 WITHOUT EXHIBITS.**

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RESPONDENT'S EXHIBITS:-

EXT.R5A	COPY OF THE LETTER DATED 17/11/2011.
EXT.R5B	COPY OF THE ORDER DATED 03/07/2014.
EXT.R5C	COPY OF THE NOTICE DATED 07/01/2015.
EXT.R5D	COPY OF THE 5TH RESPONDENT'S LETTER DATED 21/01/2015.
EXT.R5E	COPY OF THE 5TH RESPONDENT'S COUNSEL LETTER DATED 07/02/2015 UNDER RIGHT TO INFORMATION ACT.
EXT.R5F	COPY OF THE REPLY LETTER OF THE 3RD RESPONDENT'S DATED 10/02/2015.
EXT.R5G	COPY OF THE 5TH RESPONDENT COUNSEL LETTER DATED 21/01/2015 UNDER RIGHT TO INFORMATION ACT.
EXT.R5H	COPY OF THE REPLY LETTER OF THE 3RD RESPONDENT'S DATED 06/02/2015.

//TRUE COPY//

P.S. TO JUDGE

rs.

V.CHITAMBARESH,J

W.P.(C). No.11539 of 2014

Dated this the 16th day of November, 2015

JUDGMENT

Ext.R5(d) representation filed by the 5th respondent is pending consideration with the 3rd respondent. I direct the 3rd respondent to consider Ext.R5(d) representation with notice to the petitioner and the 5th respondent. The same shall be done within a period of three weeks from the date of receipt of a copy of this judgment.

2. Ext.P12 appeal filed against Ext.P2 order is pending consideration with the additional 6th respondent. I direct the additional 6th respondent to consider Ext.P12 appeal with notice to the petitioner and the 5th respondent. The same shall be done within a period of eight weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of.

Sd/-
V.CHITAMBARESH
JUDGE