

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 12667 of 2015 (G)

PETITIONER:

**KORATH M.M.,
AGED 70 YEARS,
S/O. MATHAI, MOLEKUDIYIL HOUSE, RAYAMANGALAM P.O.
KANALKAVALA, PERUMBAVOOR.**

BY ADV. SRI.S.RENJITH

RESPONDENT(S):

- 1. THE KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICER (ERNAKULAM-II) 1ST FLOOR,
MANNA RESIDENCY, M.C. ROAD, PERUMBAVOOR,
ERNAKULAM, PIN-683542.**
- 2. RAYAMANGALAM GRAMA PANCHAYATH, RAYAMANGALAM, PERUMBAVOOR,
REPRESENTED BY ITS SECRETARY - 683545.**
- 3. CIRCLE INSPECTOR OF POLICE,
KURUPPAMPADI POLICE STATION, PERUMBAVOOR
ERNAKULAM DISTRICT- 683545.**
- 4. REVENUE DIVISIONAL OFFICER (RDO),
REVENUE DIVISIONAL OFFICE, MUVATTUPUZHA -686 661.**
- 5. JOSE,
S/O. PAILY, CHIRAIKKAKKUDI HOUSE, RAYAMANGALAM P.O.
PERUMBAVOOR -683545.**

R1 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD.

R2 BY ADV. SRI.BINU PAUL

R3 AND R4 BY GOVERNMENT PLEADER SRI.MANOJ.P.KUNJACHAN

R5 BY SRI.PADAYATTEE YELDO

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 12667 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE COMPLAINT DATED 02.12.2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P2: COPY OF THE COMPLAINT DATED 03.12.2014 SUBMITTED BY THE PETITIONER BEFORE THE RDO, MUVATTUPUZHA.

EXHIBIT P3: COPY OF THE LETTER OF THE 1ST RESPONDENT TO THE 2ND RESPONDENT DATED 03.03.2015 TO STOP THE 5TH RESPONDENT WORKSHOP.

EXHIBIT P4: COPY OF THE LETTER DATED 20.3.2015 ISSUED BY THE 1ST RESPONDENT TO 3RD RESPONDENT TO STOP THE 5TH RESPONDENT WORKSHOP.

RESPONDENT(S)' EXHIBITS :

EXHIBIT R5- (1) - TRUE COPY OF THE SALE DEED DATED 19/06/2008.

EXHIBIT R5- (2) - TRUE COPY OF THE NOTICE ISSUED BY THE RDO MUVATTUPUZHA DATED 09/03/2015.

EXHIBIT R5- (3) - TRUE COPY OF THE LICENSE ISSUED BY THE RAYAMANGALAM GRAMA PANCHAYATH FOR THE PERIOD 31/03/2016.

EXHIBIT R-5 (4) - TRUE COPY OF THE LICENSE ISSUED BY THE RAYAMANGALAM GRAMA PANCHAYATH FOR THE PERIOD 31/03/2015.

/TRUE COPY/

P.S.TO JUDGE

vmr.

K. Vinod Chandran, J

W.P.(C).No.12667 of 2015-G

Dated this the 28th day of July, 2015

JUDGMENT

The petitioner was aggrieved with non-implementation of Exhibits P3 and P4. Exhibit P3 indicates that the 5th respondent having been carrying on a Road-Roller repairing workshop in the premises without obtaining any consent from the Pollution Control Board. Exhibit P3 has been issued to the Secretary, Rayamangalam Grama Panchayat and Exhibit P4 to the Circle Inspector of Police to effect stoppage of the workshop carried on by the 5th respondent in his premises, adjacent to which the petitioner has a residential building.

2. The learned counsel for the 5th respondent contends that Exhibit P3 and P4 were issued without notice to the 5th respondent. Copy of Exhibits P3 and P4 were not even served on the 5th respondent. The 5th respondent also submits that he has now obtained a licence in the year 2015 from the Panchayat, produced at Exhibits R-5(3) and R-5(4). The 5th respondent is said to be a contractor and he has vehicles used

for construction work, which he is parking in his premises and carrying on repairs thereon.

3. However, if any workshop as such is carried on, necessarily the 5th respondent would have to obtain a consent from the Pollution Control Board. In such circumstance, especially since Exhibits P3 and P4 have not been served on the 5th respondent, it is only proper that the Pollution Control Board carry out inspection in the premises of the 5th respondent, in the presence of the petitioner and the 5th respondent, and take a decision in the matter. Exhibits P3 and P4, hence, shall not be acted upon. However, the 5th respondent shall not, on the basis of Exhibits R-5(3) ad R-5(4), conduct any workshop in the said premises, unless a consent is granted by the Pollution Control Board.

The writ petition is disposed of as above. No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]