

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 15555 of 2013 (T)

PETITIONER:

BALACHANDRAN K.
S/O. G.KRISHNAN NAIR, KAMUKUMKOOTTATHIL
PAIVALLY BHAGAM, IMALY EAST, OMALLOOR P.O.
PATHANAMTHITTA-689 647.

BY ADV. SMT.SHAMEENA SALAHUDHEEN

RESPONDENTS:

1. THE SECRETARY
OMALLOOR GRAMA PANCHAYAT, OMALLOOR P.O.
PATHANAMTHITTA-689 647.

2. THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
MAKKAM KUNNU P.O., PATHANAMTHITTA-689 645.

3. THE MANAGER
DISTRICT INDUSTRIES CENTRE, KOZHENCHERRY P.O.
PATHANAMTHITTA-689 641.

SMT.ROSE MISHAEL, GOVERNMENT PLEADER
R1 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
R1 BY ADV. SMT.N.SANTHA
R1 BY ADV. SRI.K.A.BALAN
R1 BY ADV. SRI.PETER JOSE CHRISTO
R1 BY ADV. SRI.S.A.ANAND
R1 BY ADV. SMT.L.AMMU PILLAI
R BY SRI.M.R.ARUNKUMAR
R2 BY ADV. SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE ACKNOWLEDGMENT CERTIFICATE ISSUED BY THE 3RD RESPONDENT.

P2 : COPY OF THE LICENSE ISSUED BY THE 1ST RESPONDENT FOR THE PERIOD 2011-2012.

P3 : COPY OF THE CERTIFICATES ISSUED BY THE KITCO.

P4 : COPY OF THE CERTIFICATES ISSUED BY THE DEPARTMENT OF INDUSTRIES.

P5 : COPY OF THE REPLY ALONG WITH THE NO OBJECTION DTD.14.2.2012.

P6 : COPY OF THE STOP MEMO DTD.18.2.2012 ISSUED BY THE 1ST RESPONDENT.

P7 : COPY OF THE REQUEST OF THE PETITIONER TO THE 2ND RESPONDENT DTD.5.3.2012.

P8 : COPY OF THE CONSENT NO.ICO/PTA/1141/2012 DTD.9.5.2012.

P9 : PHOTOGRAPHS OF THE UNIT OF THE PETITIONER.

P10: COPY OF THE RECEIPT NO.7170/2012 DTD.21.6.2012.

P11: COPY OF THE ORDER DTD.26.3.2012.

P12: COPY OF THE APPLICATION FOR LICENCE SUBMITTED BY THE PETITIONER DT.6.2.14

1ST RESPONDENT'S EXHIBITS

R1(A): COPY OF THE REPRESENTATION DT.21.6.12 FILED BY SRI.BALACHANDRAN K. BEFORE THE OMALLOOR GRAMA PANCHAYAT.

R1(B): COPY OF THE LETTER DT.11.6.12

2ND RESPONDENT'S EXHIBITS

R2(1): COPY OF THE CONSENT TO OPERATE OF THE 2ND RESPONDENT DT.9.5.12

R2(2): COPY OF THE LETTER OF THE R2 DT.27.9.12

R2(3): COPY OF THE LETTER OF THE R2 DT.7.12.12

RKC

TRUE COPY

PA TO JUDGE

A.M.SHAFFIQUE, J.

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Dated this the 28th day of January, 2015

JUDGMENT

The petitioner challenges Ext.P6 stop memo issued by the 1st respondent and Ext.P1 decision of the Single Window Clearance Board. He also seeks for a direction to the 1st respondent to renew the license of the petitioner. According to the petitioner, he was operating a hollow bricks manufacturing unit since 2000 using 1 HP manual machine and a second hand mixer machine of 3 HP. Recently some issues relating to pollution had developed, which ultimately resulted in a stop memo being issued in terms of Ext.P6. By Ext.P11 the Single Window Clearance Board directed the petitioner to comply with the conditions stipulated by the Kerala State Pollution Control Board.

2. The Pollution Control Board issued consent to operate as per Ext.P8 dated 9.5.2012. Ext.P8 has been issued on certain conditions. The consent was valid only till 31.12.2014.

3. According to the petitioner, despite Ext.P8, the Local

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Authority did not issue necessary permission for operating the Unit and therefore the petitioner has approached this Court.

4. Heard the learned counsel appearing for the parties. It is now clear that the period for which consent to operate has been issued by the Pollution control Board has expired and the petitioner is not having any license from the Local Authority. According to the petitioner, the license was valid till 2012 and thereafter though the petitioner had submitted application, the same has not renewed. According to the learned counsel appearing for the Local Authority, no application has been received for renewal of the license.

5. The fact remains that the petitioner does not have license from the Panchayat or from the Pollution Control Board. Therefore it is necessary that the petitioner has to approach the Pollution Control Board to obtain renew the consent to operate his Unit and if the petitioner has any grievance regarding the conditions therein it is always open for the petitioner to agitate the same before the appropriate Forum.

6. After obtaining renewed consent from the Pollution

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Control Board, the petitioner can submit an application before the Local Authority for renewal of license to operate the Unit, which shall be considered by the Local authority in accordance with law.

With the above observation, this writ petition is disposed of.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

rkc.