

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 13931 of 2015 (N)

PETITIONER(S):

1. JOHNSON
S/O. THOMAN, KALLELI HOUSE, KODASSERY P.O.
THRISSUR DISTRICT-680 725.
2. LEEJA JOHNSON
W/O. JOHNSON, KALLELI HOUSE, KODASSERY P.O.
THRISSUR DISTRICT-680 725.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S):

1. KODASSERY GRAMA PANCHAYATH
CHATTIKULAM P.O., THRISSUR DISTRICT-680 721
REPRESENTED BY ITS SECRETARY.
2. ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
THRISSUR DISTRICT OFFICE, PIN-680 001.
3. THE HEALTH INSPECTOR
KODASSERY GRAMA PANCHAYATH, CHATTIKULAM P.O.
THRISSUR DISTRICT-680 721.
4. SMT. SINI
W/O. JOSSY, PANANCHIKKAL HOUSE, KODASSERY P.O.
PIN-680 725.

R4 BY ADV. SMT.G.VIDYA
R1 BY ADV. SMT.I.SHEELA DEVI
R1 BY ADV. SRI.K.N.BINESH
R1 BY ADV. SRI.T.JAYAN
R BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BO

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE LICENCE DTD.23.7.2012 ISSUED BY THE 1ST RESPONDENT PANCHAYAT IN THE NAME OF THE 1ST PETITIONER FOR CONDUCTING POULTRY FARM.

P2 : COPY OF THE ACKNOWLEDGMENT DTD.13.2.2014 ISSUED BY THE SECRETARY OF THE 1ST RESPONDENT PANCHAYAT.

P3 : COPY OF THE AFFIDAVIT WITH COVERING LETTER DTD.5.3.2015 SUBMITTED BY THE 1ST PETITIONER ALONG WITH THE 2ND PETITIONER.

P4 : COPY OF THE APPLICATION FILED BY THE 2ND PETITIONER BEFORE THE HEALTH INSPECTOR OF THE 2ND RESPONDENT PANCHAYAT.

P5 : COPY OF THE COMMUNICATION DTD.6.1.2015 ISSUED BY THE 1ST RESPONDENT ADDRESSED TO THE 1ST PETITIONER.

P6 : COPY OF THE ACKNOWLEDGMENT ISSUED BY THE 2ND RESPONDENT EVIDENCING RECEIPT OF FEES AND APPLICATION FOR RENEWAL OF LICENCE ON 27.3.2015.

P7 : COPY OF THE STOP MEMO DTD.10.4.2015 ISSUED BY THE 1ST RESPONDENT.

P8 : COPY OF THE REQUEST DTD.20.4.2015 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

EXT.R4(a) TRUE COPY OF THE REPORT DATED 15.10.2014.

EXT.R4(b) PHOTOGRAPHS.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.13931 of 2015

Dated this the 11th day of September, 2015

J U D G M E N T

Ext.P1 licence to conduct a poultry farm by the first petitioner has evidently expired. The first petitioner has put in an application for renewal of the licence evidenced by Ext.P2 receipt. The petitioners contend that final orders have not been passed in the matter of renewal of licence.

2. It cannot however be disputed that the first respondent Panchayat has issued Ext.P7 stop memo on the petitioners. The memo is to the effect that the petitioners shall forthwith stop the poultry farm. The petitioners cannot under such circumstances take the benefit of deeming provisions. The petitioners cannot conduct the poultry farm unless and until the licence is renewed.

3. I direct the first respondent to pass final orders on the application for renewal of licence. The same shall be done with notice to the petitioners

and the fourth respondent within a period of one month from today.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.