

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 15206 of 2015 (A)

PETITIONER(S) :

**RADHAKRISHNAN, AGED 48 YEARS,
S/O.APPU, MARATHAKKARA KARUVAN HOUSE, KONIKKARA,
THRISSUR, PIN- 680 306.**

**BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE)
ADV. SMT.P.R.REENA**

RESPONDENT(S) :

- 1. THRIKKUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KALLUR P.O,
THRISSUR, PIN- 680 317.**
- 2. SECRETARY,
THRIKKUR GRAMA PANCHAYATH, KALLUR P.O.,
THRISSUR, PIN-680 317.**
- 3. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ENVIRONMENTAL ENGINEER,
REGIONAL OFFICE, THRISSUR, PIN- 680 004.**

R3 BY ADV. SRI. M.AJAY, S.C

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE RELEVANT PAGE OF THE BUILDING TAX ASSESSMENT REGISTER OF THRIKKUR GRAMA PANCHAYATH.**
- EXHIBIT P2: TRUE COPY OF THE RECEIPT DATED 21.04.2015 ISSUED BY THE PANCHAYATH SHOWING PAYMENT BUILDING TAX.**
- EXHIBIT P3: TRUE COPY OF THE LETTER OF THE KERALA STATE POLLUTION CONTROL BOARD AS PER LETTER DATED 20.12.2011.**
- EXHIBIT P4: TRUE COPY OF THE RECEIPT DATED 04.04.2015 ISSUED BY THE PANCHAYATH.**
- EXHIBIT P5: TRUE COPY OF THE RECEIPT ISSUED BY POLLUTION CONTROL BOARD DATED 22.04.2015.**
- EXHIBIT P5(A): TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT ISSUED BY POLLUTION CONTROL BOARD AND DATED 22.04.2015.**
- EXHIBIT P6: TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 09.04.2015.**
- EXHIBIT P7: TRUE COPY OF THE REPRESENTATION DATED 11.05.2015 FILED BY THE PETITIONER BEFORE THE PANCHAYATH.**
- EXHIBIT P7(A): TRUE COPY OF THE RECEIPT DATED 11.05.2015 ISSUED BY THE PANCHAYATH.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15206 of 2015

Dated this the 25th day of May, 2015.

JUDGMENT

The petitioner has approached this Court apprehending coercive steps from the respondent Panchayat under the guise of Ext.P6.

2. The petitioner is a blacksmith by profession. He is conducting his avocation in his residential building. The petitioner alleges that he had erected a GI sheet above the roof of his workplace and the respondent Panchayath had numbered the building as building No.218 A, which is renumbered as 234 A of Ward No.1. He alleges that there has been constant harassment by certain persons who are in inimical terms with him and at their instance, the Panchayath and Pollution Control Board had directed the petitioner to take licence and consent. He alleges that the Pollution Control Board has directed him to construct a wall on all sides of the shed and apply for consent. He further alleges that he has

complied with the aforesaid direction and informed the Board as well as the Panchayath. As the panchayath authorities again asked the petitioner to take licence, he had filed an application for licence before the Panchayath and as no communication has been issued by the Panchayath within one month, the petitioner alleges that he is entitled to the protection under Section 236(3) of the Panchayath Raj Act.

The petitioner's grievance is that he was told by the secretary of the respondent Panchayat that he would continue the workshop only after obtaining the consent from the Pollution Control Board. He further submits that he has filed necessary application for consent before the Pollution Control Board on 22.4.2015 and deposited the necessary fee. The present grievance of the petitioner is that subsequently, the authorities of the respondent Panchayath had approached him and asked him to stop the workshop within one month and remove the materials within two months. It is in this background, the petitioner has come up before this Court.

3. Today, when the matter came up for hearing, the learned Standing Counsel for the Kerala State Pollution Control Board submitted that Ext.P5 application submitted by the petitioner shall be considered within a time frame.

4. Therefore, in the light of the said submission, this Court is of the view that the writ petition can be disposed of, even without notice to the respondent Panchayath.

In the result, the writ petition is disposed of directing the respondent Pollution Control Board to consider the petitioner's application within a period of one month from the date of receipt of a copy of this judgment. On getting positive orders, if any, from the respondent Pollution Control Board, the petitioner shall produce the same before the Secretary of the respondent Panchayath. The Secretary, respondent Grama Panchayath shall take final decision in the matter within one month thereafter. It shall be open to the petitioner to produce a copy of the writ petition as well as a copy of the judgment before the Pollution Control Board as well as the respondent

Panchayat at the earliest. Till the aforesaid exercise is completed, no coercive action shall be taken against the petitioner.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.