

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 15378 of 2015 (V)

PETITIONER(S):

**M/S.CONSO FEEDS,
EARA PO, NEELAMPEROOR, ALAPPUZHA 686534,
REPRESENTED BY ITS MANAGING PARTNER, SR. SIBI THOMAS,
S/O.K.U.THOMAS, AGED 47 YEARS, RESIDING AT KULANGARA HOUSE,
CHINGAVANAM PO, KOTTAYAM DISTRICT 686531.**

BY ADV. SRI.JOBY CYRIAC

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS HOME SECRETARY,
GOVERNEMENT SECRETARIAT, THIRUVANANTHAPURAM 695001.**
- 2. THE SUPERINTENDENT OF POLICE,
ALAPPUZHA 658001.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
PULINGUNNU 688504.**
- 4. THE SUB INSPECTOR OF POLICE,
EARA POLIE STATION, NEELAMPEROOR, ALAPPUZHA 686534**
- 5. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHIEF ENVIRONMENT ENGINEER,
THIRUVANANTHAPURAM 695001.**
- 6. THE ENVIRONMENT ENGINEER,
DISTRICT OFFICE, ALAPPUZHA 688001.**
- 7. NEELAMPEROOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, EARA, ALAPPUZHA 686534.**

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8. SABU NARAYANAN
THAITHARA (H), EARA, NEELAMPEROOR,
ALAPPUZHA 686534.

9. SURESH,
CHAITHRAM (H), EARA, NEELAMPEROOR,
ALAPPUZHA 686534

* ADDL.R10 & 11 IMPEADED

10. THE DIRECTOR GENERAL OF POLICE,
STATE OF KERALA, THIRUVANANTHAPURAM-695001.

11. THE DISTRICT COLLECTOR, ALAPPUZHA-688001.

ADDL.R10 & R11 ARE IMPEADED AS PER ORDER DATED 29/7/2015 IN
IA.795/2015.

R1-R4 BY GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R6 BY SRI. M.AJAY, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE ACKNOWLEDGMENT OF REGISTRATION OF FIRMS DATED 25.10.2013 ISSUED BY THE REGISTRART OF FIRMS**
- P2: TRUE COPY OF THE ACKNOWLEDGEMENT (PART II) IN FORM NO.214334 DATED 02.12.2014 ISSUED BY THE MANAGER DISTRICT INDUSTRIES CENTRE ALAPPUZHA**
- P3: A TRUE COPY OF THE CONSENT ISSUED BY THE KERALA POLLUTION CONTROL BOARD VIDES ITS CONSENT NO. PCB/ALP/IC-3177/2014 VALID UP TO 30.09.2017**
- P4: TRUE COPY OF THE LIENSE NO.AU 757/2015 DATED 18.03.2015 ISSUED BY THE NILAMBOOR GRAMA PANCHAYTH**
- P5: A TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICE, NILAMBOOR VILLAGE**
- P6: A TRUE COPY OF THE COMPLAINT DATED 24.05.2015 SUBMITTED BEFORE THE RESPONDENT NO 2 TO 4**
- P7: TRUE COPY OF THE PROCEEDINGS NO.DMC2-27346/2015 DATED 28/5/15 OF DISTRICT COLLECTOR ALAPPUZHA**
- P8(A): TRUE COPY OF THE AUTHORIZATION LETTER ISSUED TO ONE OF THE SUPPLIER IN THE DISTRICT OF KOLLAM**
- P8(B): THE TRUE COPY OF THE AUTHORIZATION LETTER ISSUED TO ONE OF THE SUPPLIER IN THE COMPANY IN THE DISTRICT OF ALAPPUZHA**
- P9: TRUE COPY OF THE COMPLAINT DATED 29/5/15 PREFERRED BEFORE THE SI OF CHINGAVANAM POLICE STATION**
- P9(A): TRUE COPY OF THE RECEIPT ISSUE FROM THE CHINGAVANAM POLICE STATION**
- P10: A TRUE COPY OF THE COMPLAINT DATED 10/6/15 FORWARDED TO THE DGP KERALA STATE**
- P11: A TRUE COPY OF THE LETTER DATED 25/2/15 ISSUED BY R6**

P12: TRUE CPY OF THE LETTER DATED 28/5/15

P13: THE TRUE COPY OF THE LETTER NO.PCB/ALP/UCO-3561/14 DATED 20/6/15

P14: TRUE COPY OF THE COMPLIANCE REPORT T PCB VIDES ITS LETTER
NO.CF/L/2015-16/28 DATED 16/7/15

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P15: TRUE COPY OF THE PHOTOGRAPHS OF THE VEHICLE PROVIDED FOR THE
PURPOSE OF TRNSPORTATION OF CHICKEN WASTE/RAW-MATERIAL

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

W.P.C.No.15378 of 2015

Dated this the 27th day of July 2015

J U D G M E N T

Shaffique, J

Petitioner is a partnership firm which has a unit dealing in high quality chicken meal protein and chicken oil which are the essential ingredients in formulated dog food, fish feed and poultry feed. Petitioner submits that they have all the necessary permission for carrying out all the activities and consent has already been obtained from the Pollution Control Board.

2. Complaint of the petitioner is regarding the obstruction being created by certain people in the locality including respondents 8 and 9 who do not permit the petitioner to transport raw materials from various places to the factory premises.

3. During the pendency of this writ petition, we have issued a direction to the police to ensure maintenance of law and order. We have also directed the Pollution Control Board to give suggestive measures to ensure that the raw materials are being brought without any pollution to the people in the locality during

transportation. Pollution Control Board has suggested certain measures by which petitioner had been asked to provide closed containers for transportation of the materials.

4. Learned counsel appearing for the petitioner submits that they have complied with the said directions and now transportation is being done in closed containers.

5. Having regard to the aforesaid submissions, we are of the view that if there is any further obstruction from the private respondents or any other person, on the complaint of the petitioner, police shall look into the matter and do the needful.

Writ petition is disposed of accordingly.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

